

Select Task Force on Domestic Violence

Final Report

December 15, 1999

Accession number: LSC99_19

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SELECT TASK FORCE ON DOMESTIC VIOLENCE

FINAL REPORT

December 15, 1999

MEMBERS

Representative Laura Knaperek, Co-chairman	Senator Darden Hamilton, Co-chairman
Representative Kathleen Dunbar	Senator Elaine Richardson, Co-chairman
Representative Sally Gonzales	Senator Keith Bee
Representative Rebecca Rios	Senator Jack Jackson
Representative Roberta Voss	Senator David Petersen
Sergeant Robert Barton	Mr. Ed Cook
Ms. Bahney Dedolph	Ms. Lisa Kaiser
Ms. Betty Ryan	Ms. Beebee Joy
Mr. Russell Smolden	Mr. Charlie Thompson

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I. Authority and Scope of Duties

The Select Task Force on Domestic Violence is an 18-member study committee comprised of Members of the Legislature, representatives from domestic violence coalitions, victims rights organizations, law enforcement and business leaders. It is an ad hoc committee, created by the President of the Senate and the Speaker of the House of Representatives. The purpose of the committee is:

“To review and make recommendations for effective solutions to the problems of family violence. The Task Force shall consider the following items: (1) the rights of victims of domestic violence in child custody matters; (2) custodial interference and visitation; (3) consistent and equitable funding to provide adequate services to victims statewide; (4) enforcement, training and legal advocacy issues; and (5) a review of the effectiveness of enhanced penalties for domestic violence offenses.”

II. Committee Activity

The Select Task Force on Domestic Violence met on Thursday, September 30, 1999 and Thursday, December 9, 1999. Copies of the minutes of the meetings are attached to this report.

The Task Force divided into five subcommittees.

1. Subcommittee on child custody
Chaired by Senator Richardson
2. Subcommittee on domestic violence funding
Chaired by Representative Dunbar and Ms. Dedolph
3. Subcommittee on the court process
Chaired by Representative Knaperek
4. Subcommittee on court appointed psychologists
Chaired by Senator Hamilton
5. Subcommittee on enforcement training and legal advocacy issues
Chaired by Representative Voss and Ms. Ryan DellaCorte

Staff

Jodi Jerich, Legislative Research Analyst/Counsel to the Majority
House of Representatives

Barbara Guenther, Legislative Research Analyst
Senate

III. Report

Recommended Legislation

At the September 30, 1999 meeting, the Task Force considered three pieces of legislation. The three proposed bills were comprised from language originally found in SB1284 and HB2157 from the 44th Legislature, First Regular Session. These bills failed to be enacted during the session.

The Task Force voted to recommend proposed legislation #A and #C. The Task Force decided to study the issues surrounding proposed legislation #B further and did not vote on #B.

Proposed Bill #A

This legislation provides an enhanced penalty of up to two additional years if a defendant commits a felony offense against a pregnant victim and knew that the victim was pregnant. It also expands the types of relationship that must exist in order for domestic violence to exist to include stepparents and step-grandparents.

Proposed Bill #B

This legislation requires the Attorney General to create a notice that informs victims of domestic violence of the legal recourses available to them. The notice shall include a statement that the victim has the right to call the police to protect their physical safety, that the victim may petition the court for an order of protection, that the victim has the right to file a criminal charge and the victim has the right to file in civil court. The bill also appropriates an unspecified amount from the General Fund and the Department of Law to cover the costs of publication.

Proposed Bill #C

Allows a person convicted of a homicide before 1992 to petition the Board of Executive Clemency if the person has suffered from battered persons syndrome as a result of the victim's acts of domestic violence committed against the person, if there are at least three corroborated acts of domestic violence committed against the person by the murdered victim and if the victim was the only one who suffered death or serious physical injury during the commission of the offense by the defendant.

Reports of Subcommittees

At the December 9, 1999 meeting, the subcommittees gave the following recommendations to the Task Force:

Subcommittee on Court Appointed Psychologists

The subcommittee held meetings on October 18, 1999, November 1, 1999, November 15, 1999, November 29, 1999 and December 6, 1999. The subcommittee concluded that court-appointed psychologists are part of the court team in nearly every case where domestic violence is an issue in child custody decisions, that there are no standard guidelines or training for court-appointed psychologists, and there is significant lack of public confidence in the evaluations.

Recommendations include: 1) opposition to legislation to further decrease the accountability of court-appointed psychologists; 2) that psychologists be appointed by use of a roster, 3) additional funding for legal advocacy assistance for victims of domestic violence, 4) the courts be encouraged to develop mandatory domestic violence training for judges, court staff, evaluators,

mediators and conciliation services staff, 5) additional funding for community-based organizations as an option to conciliation services through the courts, 6) propose legislation to require court appointed psychologists to use assessment instruments that have been demonstrated to be safe, valid and effective by reliable and valid scientific investigation using concepts found in the R.C. Barden Truth and Responsibility in Mental Health Practices Act, 7) encourage the courts to appoint a multidisciplinary team to develop statewide standards for court-appointed evaluators, including disciplinary measures, and 8) encourage the courts to appoint a multidisciplinary team to develop processes to increase public confidence in all evaluations.

Subcommittee on Child Custody

The subcommittee held meetings on October 26, 1999, November 18, 1999 and November 29, 1999. The subcommittee found that victims of domestic violence are not adequately protected in child custody matters and that the statutes should require the safety of the child and victim to be of primary importance.

The subcommittee recommended a legislative proposal that: 1) allows the court to consider relocation to avoid domestic violence in custody decisions, 2) expands the evidence of domestic violence to include history of harm to another person, 3) specifies safety precautions for visitation to occur, 4) creates a rebuttable presumption against a parent who has committed specified acts of domestic violence, 5) establishes factors to determine whether the presumption has been overcome, and 6) eliminates the presumption if both parents committed domestic violence.

Subcommittee on Funding

The subcommittee held meetings on October 19, 1999, November 4, 1999, November 18, 1999 and December 7, 1999. The subcommittee found that domestic violence programs for education, prevention, legal advocacy and shelters need to be adequately funded.

The subcommittee recommends that; (1) the Legislature appropriate \$2 million from the general fund in FY2000-2001 to the Department of Economic Security (DES) for the operation of shelters; (2) the Legislature appropriate \$1 million from the general fund in FY2000-2001 to provide continued funding for legal advocacy programs; (3) the Legislature approve the Supreme Court's supplemental budget request of \$204,000 from the general fund in FY2000-2001 to pay for additional probation officers to cover the projected increased case load of domestic violence probationers from limited jurisdiction courts; (4) the creation of an ad hoc task force to become part of the eight agency Staff Technological Assistance Response Team (START); and (5) the task force be adequately funded by a general fund appropriation of \$75,000 or through a federal grant or other funding. The task force shall include legislators and members of the domestic violence community, law enforcement and crime victim advocates. The task force shall create a comprehensive state plan to combat domestic violence. The task force will hire an independent contractor to assist with the evaluation of existing domestic violence programs and to draft a comprehensive plan. The task force shall identify federal funds to hire the independent contractor.

Subcommittee on Court Process

The subcommittee held meetings on November 2, 1999 and November 9, 1999. The subcommittee did not provide formal recommendations to the Task Force. However, the chairman of the

subcommittee, Representative Knaperek, provided an overview of the subcommittee's work and its informal findings.

The subcommittee reviewed the concern that parties involved in child custody matters often feel the judge acted arbitrarily or without regard for the information in the court files. The subcommittee took testimony that parties can file a special action to seek a hearing on a particular ruling by the judge.

Representative Knaperek emphasized that the ability to file a special action, along with other rights of a party in a domestic relations case, should be made available to the public in a court-produced pamphlet. The pamphlet would be distributed to persons who visit the court's self-service center and the domestic relations center which is to be opened in the near future.

The subcommittee took testimony regarding the need to keep an abused spouse's new address confidential in court documents. The subcommittee received information that current court rules and statute allow certain information to be redacted from court documents.

The subcommittee considered expanding the Court Appointed Special Advocate (CASA) program to domestic relations cases.

Subcommittee on Enforcement and Review

The subcommittee held meetings on October 21, 1999 and November 4, 1999. The chairmen of the subcommittee, Representative Voss and Mr. Ryan DellaCorte, did not attend the meeting of the Task Force and no recommendations from the subcommittee were submitted to the Task Force.

IV. Committee Recommendation

At the September 30, 1999 meeting, the Task Force recommended that the Legislature pass domestic relations legislation:

- (1) Expand the type of relationships that relate to domestic violence to include step parents and step grandparents.
- (2) Provide up to a 2-year enhanced sentence for any felony committed against a pregnant woman when the defendant knew the victim was pregnant.
- (3) Provide a temporary window of opportunity for a person, convicted of homicide who suffers from battered person syndrome and who meets certain criteria, to petition the Board of Executive Clemency.

At the December 9, 1999 meeting, the Task Force approved the recommendations made by the Subcommittee on Child Custody and the Subcommittee on Court Appointed Psychologists (*For a detailed description of the proposed legislation and subcommittee recommendations, refer to Section III. Report.*)

Regarding the recommendations made by the subcommittee on Funding, the Task Force adopted the subcommittee recommendation (1), (2) and (3). Furthermore, the Task Force recommends that the Auditor General conduct an annual audit on DES' domestic violence programs.

V. Committee Minutes and Attachments

ARIZONA STATE LEGISLATURE

MEETING NOTICE

OPEN TO THE PUBLIC

SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: September 30, 1999

TIME: 10:30 a.m.

PLACE: Senate Hearing Room 3

AGENDA

1. Welcome & introductions
2. Task Force charge & opening remarks from co-chairs
3. Review & approve model language on:
 - A. Enhanced sentencing for felony crimes committed against a pregnant woman
 - B. Petition for review before board of executive clemency
 - C. Expand relationships related to domestic violence
 - D. Notice to victims of domestic violence
4. Formation of subcommittees & discussion of priority issues:
 - A. Child custody
 - i. Rebuttable presumption
 - ii. Flight
 - iii. Time limit to assert past acts of domestic violence
 - B. Court process
 - i. Redaction of victim's address in court documents
 - ii. Interlocutory appeal
 - C. Court-appointed psychologists
 - i. Payment of fees
 - ii. Accountability

MEMBERS

Senator Darden Hamilton, Cochair
Senator Elaine Richardson, Cochair
Senator Keith Bee
Senator Jack Jackson
Senator David Petersen
Sgt. Robert Barton
Bahney Dedolph
Betty Ryan

Representative Laura Knaparek, Cochair
Representative Kathleen Dunbar
Representative Sally Ann Gonzales
Representative Rebecca Rios
Representative Roberta Voss
Ed Cook
Lisa Kaiser
Beebee Joy

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ARIZONA STATE LEGISLATURE

SELECT TASK FORCE ON DOMESTIC VIOLENCE

Minutes of the Meeting

Thursday, September 30, 1999 – 10:30 a.m.

Senate Hearing Room 3

Members Present:

Senator Elaine Richardson, Co-Chair	Representative Laura Knaparek, Co-Chair
Senator Darden Hamilton, Co-Chair	Representative Kathleen Dunbar
Senator Keith Bee	Representative Rebecca Rios
Senator David Petersen	Representative Roberta Voss
Sgt. Robert Barton	Ed Cook
Bahney Dedolph	Lisa Kaiser
Betty Ryan	Beebee Joy

Members Excused:

Senator Jack Jackson
Representative Sally Ann Gonzales

Staff:

Jodi Jerich, House Judiciary Analyst
Barbara Guenther, Senate Family Services Analyst

Senator Richardson called the meeting of the Select Task Force on Domestic Violence to order at 10:55 a.m. and attendance was noted. Introductions of Committee Members took place. Senator Richardson stated Representative Sally Ann Gonzales, District 10, is excused, but will continue as a member of the Task Force.

TASK FORCE CHARGE AND OPENING REMARKS

Senator Richardson called upon the Co-Chairs for opening remarks. Representative Knaparek thanked the Senate for inviting members of the House to serve on the Task Force. She pointed out that some of the issues from the last legislative session were not approved, and she looked forward to working on the solutions with the members of the Task Force.

Senator Hamilton commented that the issues of the Task Force are very important and need to be addressed. He indicated in the interim period he has heard from numerous constituents relating to these issues, and looks forward to putting together a legislative agenda that will hopefully resolve the problems.

Senator Richardson indicated the Task Force was formed as a result of the last-minute failure of SB1284. She said the bill included a rebuttable presumption in custody cases against perpetrators of domestic violence, and that other provisions were based on

Select Task Force on Domestic Violence

September 30, 1999

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model legislation recommended by the National Council of Juvenile and Family Court Judges. She commented there was some controversy, and it is the intent of the Task Force to form Subcommittees to attempt to resolve the problems. Senator Richardson said the goal of the Child Custody Subcommittee will be to look at the issue and attempt to work out legislative language. She pointed out there are other issues to deal with as well, and said members of the audience will be asked to advise the Subcommittees.

Senator Richardson referred to the agenda and indicated that last year there was legislation on certain issues as outlined under Item 3 as follows:

- A. Enhanced sentencing for felony crimes committed against a pregnant woman;
- B. Petition for review before board of executive clemency;
- C. Expand relationships related to domestic violence;
- D. Notice to victims of domestic violence.

Senator Richardson pointed out that those four items were basically non-controversial. She said the House of Representatives and Senate did not have a problem with them but because those items were tacked onto another bill, and that bill was defeated, these issues were lost, but they were non-controversial. Senator Richardson called upon Ms. Jerich to explain each issue.

Jodi Jerich, House Judiciary Analyst, explained the three proposed pieces of legislation, each entitled "model language," which included pieces from SB1284 and HB2157 of last year. She emphasized that they are not to be confused with the model language of SB1284 that came from a national association. In referring to the items that were attached to the agenda, Ms. Jerich stated that the four-page piece of model legislation (Attachment A) incorporates two issues found in HB2157. She explained that the first part amends the types of relationship that must exist between two people in order for domestic violence to exist. She said it expands the relationship to include step-parents and step-grandparents. The changes made on Lines 15-23 are technical and are recommendations of Legislative Counsel. Ms. Jerich pointed out that on Page 3, there is new language that states: "If the defendant committed a felony offense against a pregnant victim and knew that the victim was pregnant, the court shall increase the maximum sentence otherwise authorized by up to two years."

Ms. Jerich explained the two-page "model language" (Attachment B) is another piece of proposed legislation, which is the second part of the original SB1284 as introduced. She said when the bill was engrossed, it was reduced to one section. She commented the language requires the Attorney General (AG) to make a notice informing victims of domestic violence of the legal recourses available. Ms. Jerich indicated that it states victims have a right to call the police to protect their physical safety, they may petition the court for an order of protection, they have the right to file a criminal charge, and they have the right to file in civil court. She stated that the model language also includes an unspecified appropriation from the general fund to cover the mandate to publish this notice by the AG. She said this mandate was originally imposed on the Department of Health Services (DHS), and the proposed language changes it to the AG's Office.

Senator Richardson said she was not aware how that change was made from the DHS to the AG, and asked Ms. Jerich for background information. Ms. Jerich indicated there was correspondence between the legislature and DHS, and DHS suggested that the AG's Office would be an appropriate place for the publication of the notice. She called upon Mike Haener of the AG's Office for further clarification.

Michael Haener, Legislative Assistant, AG's Office, explained that they had just learned of the change outlined by Ms. Jerich and had not fully reviewed it. Law enforcement officers currently provide a booklet, which describes domestic violence and victim's rights, a form to waive those rights, and a listing of agency telephone numbers of helpful resources. Mr. Haener indicated he would work with the Task Force to make sure the information they want included is contained in the booklet printed currently. He said the AG's Office prints approximately 4,000 of the booklets annually, which are distributed to six different regions with telephone numbers for each region.

Senator Richardson wanted to know how they are distributed and Mr. Haener replied that they are sent to law enforcement agencies. He said many agencies produce their own booklets, which contains basically the same information but in a different format.

Senator Bee asked whether Mr. Haener knew the percentage of law enforcement agencies that are using the forms produced by the AG's Office. Mr. Haener replied he believed a number of agencies in Maricopa County use their own form, whereas the form of the AG's Office is widely used in rural counties.

Senator Bee asked what happens to victims who sign waiving their rights. Mr. Haener called upon Mr. Steve Hart, a victims rights advocate, to explain. Mr. Hart explained that upon initial contact with law enforcement, victims have to make requests for certain things to happen. He said this form enables victims to indicate whether they want to request or waive those rights.

Senator Richardson requested further clarification on that point and called upon Judge Finn to explain.

Elizabeth Finn, Judge, Phoenix Municipal Court, commented she believed what they are referring to is the ability of victims to request notice for all further court proceedings or for restitution. If they waive their rights, they would be waiving notice of further proceedings. She remarked they could never waive their rights to participate in the criminal justice system as witnesses or as victims, because the court has the right to subpoena them.

Senator Bee had concern about the distribution and availability of the booklets, and felt it might be too narrow a distribution.

Senator Richardson suggested that the Task Force review the four issues on the agenda under Item 3. She indicated if further discussion is needed on a certain item, it will be held and will not be included in a blanket approval for all the items.

Ms. Dedolph commented it was her understanding that the point of the original legislation (Attachment B) was not for law enforcement use, but rather for health care professionals for victims of domestic violence. She asked whether the form printed by the AG's Office serves that purpose.

Mr. Haener replied it may not serve the purpose, but he indicated the AG's Office would be happy to work with the Task Force on this issue to ensure proper information is available.

Ms. Jerich indicated there was testimony in committee last session that the booklet be available in doctors' offices and hospitals. She explained pamphlets on a countertop or in restrooms in doctors' offices serve as a method to let people not yet identified as victims know where they can seek help, and many include a hotline number to call.

Ms. Jerich explained that the final one-page piece of legislation (Attachment C) provides for a twelve-month window of opportunity for a person convicted of a homicide before 1992, to petition the Board of Executive Clemency, as follows: the person must have suffered from the battered persons syndrome as a result of the murdered victim's acts of violence against the person; the person's act was a direct result of the past acts of domestic violence committed by the murdered victim; that there must be at least three corroborated acts of domestic violence committed against the person by the murdered victim; and that the murdered victim was the only one who suffered any death or serious physical injury during the commission of the offense.

Mr. Jerich said she wanted to point out that a verbal technical amendment is needed. Lines 4 and 5, Item A, change "Title 13, Chapter 10 or 11" to "Title 13, Chapter 10 and Chapter 11, or Chapter 11."

Ms. Ryan wanted to know under A.2., how would information on the three corroborating acts be obtained. Ms. Jerich replied that "clear and convincing evidence" through past sworn testimony in court is admissible. No new evidence is admitted before the Board of Clemency.

Senator Richardson asked if there was any more discussion and said she would entertain a motion to adopt three of the items and discuss Item 3.D. on the Agenda, "Notice to victims of domestic violence," separately.

Senator Rios requested that the charge of the Committee be read.

Senator Richardson read the charge of the Task Force as follows, and suggested everyone follow the Agenda referring to the items.

CHARGE: The purpose of the Task Force is to review and make recommendations for effective solutions to the problems of family violence. The Task Force shall consider the following items: (1) The rights of victims of domestic violence in child custody matters; (2) Custodial interference and visitation; (3) Consistent and equitable funding to provide adequate services to victims statewide; (4) Enforcement, training and legal advocacy issues; and (5) A review of the effectiveness of enhanced penalties for domestic violence offenses.

Representative Voss commented she wanted to make sure the Task Force is within the charge. She said she didn't mind looking at other items, but didn't believe the three model language issues fell within the charge. She explained that the "notice" language might fall into number four as a legal advocacy issue, but she didn't think that expanding the definitions fell within the charge, nor executive clemency language.

Senator Richardson asked Ms. Jerich to explain.

Ms. Jerich said the charge consists of two sentences. The first states: The purpose of the Task Force is to "review and make recommendations for effective solutions to the problems of family violence."

Representative Voss said she would like to open up the Committee to a wider array of issues in order to actually delve into and solve the problems. She mentioned it had been taken away from the Domestic Relations Committee as an issue basically because it would be duplicative. She suggested the Task Force discuss the first sentence of the charge.

Representative Knaperek commented the suggestions were made by the Co-Chairs when they previously met. She said changes could be made, but thought that a motion by the Task Force was in order to obtain everyone's opinion.

Senator Richardson asked if there was a motion for adopting Agenda Item 3, A, B and C.

Senator Hamilton moved that the Task Force adopt the model language in the four-page draft, the two-page draft and the one-page draft that were discussed and are attached to the Agenda with the technical corrections that were mentioned on the one-page draft of the items represented on the Agenda, Item 3, sub parts A, B, and C.

A request was made to repeat the motion.

Senator Hamilton moved to adopt a draft for further consideration from this Committee for the four-page draft, the two-page draft and the single-page model legislation draft with the technical corrections representing Item 3 on the Agenda, sub parts A, B and C.

Senator Richardson clarified that Items 3. A, B and C were already approved by the House and Senate last year. She said the Committee's task is to make motions to approve those items for legislation. She said it has nothing to do with whether or not a legislator wants to run a certain piece of legislation in his or her own bill.

Representative Knaperek said it is her understanding that this Committee will not be working on the language of those issues, and Senator Richardson responded that is correct.

Ms. Dedolph said she believed the two-page draft outlining the "notice" language was to be excluded. Senator Richardson said that was an error in the motion; therefore, it would be necessary to restate and correct the motion.

Senator Hamilton withdrew his original motion and made the following motion:

Senator Hamilton moved that this Committee adopt the model language with a recommendation for approval for legislation for the Agenda Item 3 A. Enhanced sentencing for felony crimes committed against a pregnant woman; B. Petition for review before board of executive clemency; and, C. Expand relationships related to domestic violence, as discussed in the four-page draft and the single-page draft attached with the technical changes on the single page.

Representative Knaperek thought that there was confusion on one of the bills and called upon Representative Dunbar to point out her concern.

Representative Dunbar commented her concern was that the model language pieces of legislation passed last year out of both houses encountered last-minute resistance because of some Committee members found certain items in the bill to be unacceptable. She was concerned that the Committee was moving forward on issues that had not been resolved. After deliberation, Representative Dunbar said her concern was answered.

The motion carried by voice vote.

Senator Richardson asked for a recommendation on Item 3.D. on the agenda, "Notice to victims of domestic violence."

Senator Bee commented he would like to have the Task Force further investigate Agenda Item 3.D. because the way it is written, he cannot support it. He said it is far too narrow, and he believes that notice information should be made available in hospitals and health care areas. He indicated his preference would be to refer that issue to one of the sub-committees for consideration and then bring it back to the full Committee.

Senator Richardson called for any further discussion. The Task Force members agreed with Senator Bee's suggestion.

FORMATION OF SUBCOMMITTEES AND DISCUSSION OF PRIORITY ISSUES

Senator Richardson said there are three categories under Item 4 on the Agenda as follows:

- A. Child custody, which includes legislation included in SB1284 last year.
 - i. Rebuttable presumption;
 - ii. Flight;
 - iii. Time limit to assert past acts of domestic violence.

Senator Richardson will chair a Subcommittee to discuss Item 4. A., and present recommendations to the Task Force.

Senator Richardson indicated Item 4.B. Court process, includes from last year's HB2157:

- i. Redaction of victim's address in court documents; and,
- ii. Interlocutory appeal.

Representative Knaperek will chair a Subcommittee for further discussion and recommendation.

Representative Knaperek clarified those two issues were added to HB2157 as another way to deal with the SB1284 issues. Senator Richardson so noted.

Senator Richardson announced he will chair a Subcommittee on Item 4.C. "Court appointed psychologists" which includes:

- i. Payment of fees; and,
- ii. Accountability

Senator Richardson remarked that Item 4.C. was not part of legislation last year, and called for any discussion on those items regarding a possible Subcommittee.

Ms. Dedolph said it is clear that Item 4.A. fits into the Charge of the Task Force; however, she questioned Items 4. B. and C. as being part of the Charge.

Senator Richardson called upon Ms. Jerich to clarify.

Ms. Jerich said the charge of the Task Force is a two-sentence statement. She said the second sentence contains five subdivisions to it; however, the first sentence is much broader, which states "to review and make recommendations for effective solutions to the problems of family violence." She said it is the responsibility of the Task Force to determine whether or not the Agenda items fit into that first broad sentence.

Ms. Dedolph commented she believed they would fit into that first broad sentence, but she questioned how the Task Force will handle the five categories in the second sentence that are much more specific.

Senator Richardson indicated that after the Task Force completes discussion on Items 4. A. B. and C., there can then be discussion or motions on other issues.

Mr. Cook asked for some background on Item 4. C. "Court-appointed psychologists."

Senator Hamilton responded that in a series of meetings held during the interim period, it was determined that ten issues needed to be addressed and Item 4.C. was one of those issues. He said family and custody issues surface on a regular basis in a domestic violence case, and when the court appoints a psychologist, problems occur involving those court-appointed psychologists, and the relationship with the judge and victims and families.

Senator Richardson called for any further discussion on Agenda Item 4. A., B. and C. No further discussion took place. She then confirmed the following Subcommittees:

1. Senator Richardson as Chair of Agenda Item 4. A. Child custody.
2. Representative Knaparek as Chair of Agenda Item 4. B, Court process.
3. Senator Hamilton as Chair of Agenda Item 4. C. Court-appointed psychologists.

Senator Richardson said the Subcommittee Chairs will put together their respective Subcommittees, but if any members of the Task Force are not members of the Subcommittees, they still are invited to sit in on any of the Subcommittees meetings. The Subcommittee chairs will send out memos of members and meeting dates.

Senator Richardson commented that after the three Subcommittees are adopted, further discussion will take place on other issues to decide whether additional Subcommittees should be formed.

Senator Hamilton questioned whether Agenda Item 3. D. "Notice to victims of domestic violence" should be assigned to a Subcommittee.

Representative Dunbar moved that the Agenda Item 3. D. "Notice to victims of domestic violence" be added to Subcommittee 4. B. "Court Process." Motion carried by voice vote.

Senator Hamilton moved that three Subcommittees be formed: Child custody to be chaired by Senator Richardson, Court process to be chaired by Representative Knaperek, and Court-appointed psychologists to be chaired by Senator Hamilton. Motion carried by voice vote.

Senator Richardson asked Representative Knaperek whether there were any other items to be charged to this Committee. Representative Knaperek yielded the floor.

Senator Bee referred to the Charge and noted that Item 3 "Consistent and equitable funding to provide adequate services to victims statewide" and part of Item 4 "Training and legal advocacy issues" were not referred to any newly-created Subcommittee, and suggested a possible fourth Subcommittee may be in order to be chaired by either a legislator or someone from the court who is well-versed in those areas.

Senator Richardson said she agreed and indicated she also had two issues: 1) Funding for services for victims statewide, to include consideration of the availability of shelter beds and a way of reducing the shelter turn-away rate; and, 2) A review of the implementation and effectiveness of the recent legislation, SB1175, to provide for enhanced penalties for domestic violence offenses.

Ms. Ryan commented currently there are only ten-week programs for offenders, and she felt that the period of time is too short and should be increased to at least 25 to 32 weeks. Senator Richardson said she thought that was an excellent idea and commented that would fall under the "treatment" effectiveness portion of SB1175, and suggested perhaps the Task Force should discuss the implementation of the entire bill.

Representative Knaperek asked for further clarification on SB1175 as it related to Item 5 in the charge: "A review of the effectiveness of enhanced penalties for domestic violence." Senator Richardson asked Ms. Dedolph to explain.

Ms. Dedolph said two years ago a penalty system was passed whereby if it was a first offense, a treatment program was ordered; if it was a second offense, an offender could be ordered supervised probation; and the third offense would include mandatory jail time. She believed the second and third items are not being implemented and it is time to evaluate it.

Representative Knaperek moved to formulate a fourth Subcommittee to look at Item 5, including treatment for offenders, and recommended that Ms. Ryan be Chair.

Representative Voss said she felt that Charge Item 4 "Enforcement training and legal advocacy issues" should be included with Charge Item 5 "A review of the effectiveness of enhanced penalties for domestic violence offenses."

Representative Knaperek withdrew her previous motion.

Representative Knaperek moved that a fourth Subcommittee be created to look at Charge Items 4 and 5 including the treatment for offenders from SB1175, and that Ms. Betty Ryan be the Subcommittee Chair.

Senator Richardson asked if there were any other items that would be germane to include in the fourth Subcommittee. Senator Hamilton asked if it would be appropriate to add Agenda Item 3. D. "Notice to victims of domestic violence" to the fourth Subcommittee and take it out of Subcommittee 4. B. "Court Process."

Senator Richardson felt it should be left where it is unless there was any other discussion. Senator Hamilton wanted to discuss the possibility and wondered if anyone had any comments. Senator Bee agreed it would appear to fall under the fourth Subcommittee. Senator Richardson clarified the suggestion and asked if there was a motion.

Senator Hamilton moved that the Committee pull "Notice to victims of domestic violence" from Subcommittee 4. B. "Court process" and move it to the Subcommittee being formed for Charge Items 4 and 5.

Representative Knaperek commented as a point of order, her motion was still on the table. She said since there was discussion taking place, she would withdraw her earlier motion and suggested further discussion to formalize the Committee's intent and then make a motion. She agreed with Senator Hamilton and thought the "Notice" item is part of the "Enforcement training and legal advocacy issues" item. She felt a "notice" should be used as a tool for education, and not just narrowly defined. She also believed the "funding issue" should perhaps be included in a fifth Subcommittee.

Ms. Dedolph restated Senator Hamilton's motion and moved that Agenda Item 3. D. "Notice to victims of domestic violence" be moved to the yet unnamed Subcommittee to include Charge Items 4 and 5. Motion carried by voice vote.

Senator Richardson said Agenda Item number 3. D, "Notice to victims of domestic violence" will be part of the yet unnamed Subcommittee, and since new items were added, she suggested Co-Chairs to be Ms. Ryan and Representative Voss, and called for any discussion on the Co-Chair issue.

Senator Richardson moved a Subcommittee be created called "Enforcement and Review" to be Co-Chaired by Ms. Ryan and Representative Voss, that will address Items 4 and 5 on the Charge and Item 3. D. on the Agenda. The motion carried by voice vote.

Senator Richardson indicated four Subcommittees were formed, pointing out that the "funding," issue remained, and she called for any discussion on that issue. Ms. Dedolph said she believed that the issue of funding is particularly critical to the domestic violence, but it may not be necessary to form a Subcommittee, but rather discuss ways to allocate those funds. Senator Richardson agreed there is a tremendous need for funding, particularly for shelters, and called for any further discussion.

Lisa Kaiser commented that an important funding issue is not only for shelters and programs, but legal assistance for those victims of domestic violence who are going through the court process. She said the victims are often left without any money or jobs and cannot afford legal representation. She commented that it is difficult to find pro-bono attorneys or legal aid, and she recommends some type of funding to help people through their legal representation.

Senator Richardson said Ms. Kaiser's comment was a point well taken. She appointed Ms. Dedolph and Representative Dunbar to be Co-Chairs of the Subcommittee on Funding, and recommended that Ms. Kaiser be added to that Subcommittee. Senator Richardson indicated that a total of five Subcommittees were formed. She said each of the Chairs or Co-Chairs are to decide who will serve on those Subcommittees, the dates of the meetings, and then report back to the Task Force Committee in order for the information to be distributed to everyone.

Representative Knaperek said she would like the ability to bring in new people to serve on a Subcommittee who are not currently serving on the Task Force, and asked if everyone was comfortable with her suggestion. Senator Hamilton asked Representative Knaperek if she meant voting members or just to serve in an advisory capacity. Representative Knaperek said she didn't believe an individual could vote unless he or she was appointed to the Task Force Committee, so she believed it would have to be in an advisory capacity.

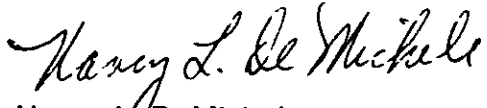
Senator Richardson asked Ms. Jerich to clarify the voting of Subcommittee members. Mr. Jerich stated that only Task Force Committee members may be appointed by the individual Chairs or Co-Chairs to serve on the Subcommittees as voting members. Mr. Jerich indicated that the Speaker of the House and the President of the Senate appointed the members of the Task Force, and only the Speaker or the President has the authority to add, delete or change membership. Individuals other than members of the Task Force may attend Subcommittee meetings and provide testimony, but may not vote.

Senator Hamilton moved that a fifth Subcommittee be formed entitled "Funding" with Ms. Dedolph and Representative Dunbar

serving as Co-Chairs with a recommendation that Ms. Kaiser be a member of that Subcommittee. Motion carried by voice vote.

There being no further business, the meeting adjourned at 12:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nancy L. DeMichele".

Nancy L. DeMichele
Committee Secretary

(Tapes and attachments are on file in the Secretary of the Senate's Office.

MODEL LANGUAGE

1 Section 1. Section 13-3601, Arizona Revised Statutes, is amended to
2 read:

3
4 13-3601. Domestic violence; definition; classification;
5 sentencing option; arrest and procedure for
6 violation; weapon seizure; notice; report;
7 diversion; notice
8

9 A. "Domestic violence" means any act which is a dangerous crime
10 against children as defined in section 13-604.01 or an offense defined in
11 section 13-1201 through 13-1204, 13-1302 through 13-1304, 13-1502 through
12 13-1504 or 13-1602, section 13-2810, section 13-2904, subsection A,
13 paragraph 1, 2, 3, OR 6, section 13-2916 or section 13-2921, 13-2921.01,
14 13-2923, 13-3018, 13-3601.02 or 13-3623, if any of the following apply:

15 ~~1. The victim:~~

16 ~~(a) Is the spouse or former spouse of the defendant.~~

17 ~~(b) Is the parent of a child of the defendant.~~

18 ~~(c) Is pregnant by the defendant.~~

19 ~~(d) Resides or resided in the same household and is the opposite~~
20 ~~sex of the defendant.~~

21 1. THE RELATIONSHIP BETWEEN THE VICTIM AND THE DEFENDANT IS ONE OF
22 MARRIAGE, OR FORMER MARRIAGE OR OF PERSONS OF THE OPPOSITE SEX RESIDING OR
23 HAVING RESIDED IN THE SAME HOUSEHOLD.

24 2. THE VICTIM AND THE DEFENDANT HAVE A CHILD IN COMMON.

25 3. THE VICTIM OR THE DEFENDANT IS PREGNANT BY THE OTHER PARTY.

26 ~~2.~~ 4. The victim is related to the defendant or the defendant's
27 spouse by blood as a parent, grandparent, child, grandchild, brother or
28 sister or by marriage as a parent-in-law, grandparent-in-law, STEPPARENT,
29 STEP-GRANDPARENT, stepchild, step-grandchild, brother-in-law or
30 sister-in-law.

31 B. A peace officer may, with or without a warrant, arrest a person
32 if the officer has probable cause to believe that domestic violence has
33 been committed and the officer has probable cause to believe that the
34 person to be arrested has committed the offense, whether such offense is a
35 felony or a misdemeanor and whether such offense was committed within or
36 without the presence of the peace officer. In cases of domestic violence
37 involving the infliction of physical injury or involving the discharge,
38 use or threatening exhibition of a deadly weapon or dangerous instrument,
39 the peace officer shall arrest a person, with or without a warrant, if the
40 officer has probable cause to believe that the offense has been committed
41 and the officer has probable cause to believe that the person to be
42 arrested has committed the offense, whether such offense was committed
43 within or without the presence of the peace officer, unless the officer

1 has reasonable grounds to believe that the circumstances at the time are
2 such that the victim will be protected from further injury. Failure to
3 make an arrest does not give rise to civil liability except pursuant to
4 section 12-820.02. In order to arrest both parties, the peace officer
5 shall have probable cause to believe that both parties independently have
6 committed an act of domestic violence. An act of self-defense that is
7 justified under chapter 4 of this title is not deemed to be an act of
8 domestic violence. The release procedures available under section
9 13-3883, subsection A, paragraph 4 and section 13-3903 are not applicable
10 to arrests made pursuant to this subsection.

11 C. A peace officer may question the persons who are present to
12 determine if a firearm is present on the premises. On learning or
13 observing that a firearm is present on the premises, the peace officer may
14 temporarily seize the firearm if the firearm is in plain view or was found
15 pursuant to a consent to search and if the officer reasonably believes
16 that the firearm would expose the victim or another person in the
17 household to a risk of serious bodily injury or death. A firearm owned or
18 possessed by the victim shall not be seized unless there is probable cause
19 to believe that both parties independently have committed an act of
20 domestic violence.

21 D. If a firearm is seized pursuant to subsection C of this section,
22 the peace officer shall give the owner or possessor of the firearm a
23 receipt for each seized firearm. The receipt shall indicate the
24 identification or serial number or other identifying characteristic of
25 each seized firearm. Each seized firearm shall be held for at least
26 seventy-two hours by the law enforcement agency that seized the firearm.

27 E. If a firearm is seized pursuant to subsection C of this section,
28 the victim shall be notified by a peace officer before the firearm is
29 released from temporary custody.

30 F. If there is reasonable cause to believe that returning a firearm
31 to the owner or possessor may endanger the victim, the person who reported
32 the assault or threat or another person in the household, the prosecutor
33 shall file a notice of intent to retain the firearm in the appropriate
34 superior, justice or municipal court. The prosecutor shall serve notice
35 on the owner or possessor of the firearm by certified mail. The notice
36 shall state that the firearm will be retained for not more than six months
37 following the date of seizure. On receipt of the notice, the owner or
38 possessor may request a hearing for the return of the firearm, to dispute
39 the grounds for seizure or to request an earlier return date. The court
40 shall hold the hearing within ten days after receiving the owner's or
41 possessor's request for a hearing. At the hearing, unless the court
42 determines that the return of the firearm may endanger the victim, the
43 person who reported the assault or threat or another person in the
44 household, the court shall order the return of the firearm to the owner or
45 possessor.

1 G. A peace officer is not liable for any act or omission in the
2 good faith exercise of the officer's duties under subsections C, D, E and
3 F of this section.

4 H. Each indictment, information, complaint, summons or warrant that
5 is issued and that involves domestic violence shall state that the offense
6 involved domestic violence and shall be designated by the letters DV. A
7 domestic violence charge shall not be dismissed or a domestic violence
8 conviction shall not be set aside for failure to comply with this
9 subsection.

10 I. A person arrested pursuant to subsection B of this section may
11 be released from custody in accordance with the Arizona rules of criminal
12 procedure or other applicable statute. Any order for release, with or
13 without an appearance bond, shall include pretrial release conditions
14 necessary to provide for the protection of the alleged victim and other
15 specifically designated persons and may provide for additional conditions
16 which the court deems appropriate, including participation in any
17 counseling programs available to the defendant.

18 J. When a peace officer responds to a call alleging that domestic
19 violence has been or may be committed, the officer shall inform in writing
20 any alleged or potential victim of the procedures and resources available
21 for the protection of such victim including:

22 1. An order of protection pursuant to section 13-3602, an
23 injunction pursuant to section 25-315 and an injunction against harassment
24 pursuant to section 12-1809.

25 2. The emergency telephone number for the local police agency.

26 3. Telephone numbers for emergency services in the local community.

27 K. A peace officer is not civilly liable for noncompliance with
28 subsection J of this section.

29 L. An offense included in domestic violence carries the
30 classification prescribed in the section of this title in which the
31 offense is classified. IF THE DEFENDANT COMMITTED A FELONY OFFENSE
32 AGAINST A PREGNANT VICTIM AND KNEW THAT THE VICTIM WAS PREGNANT, THE COURT
33 SHALL INCREASE THE MAXIMUM SENTENCE OTHERWISE AUTHORIZED BY UP TO TWO
34 YEARS.

35 M. If the defendant is found guilty of an offense included in
36 domestic violence and if probation is otherwise available for such
37 offense, the court may, without entering a judgment of guilt and with the
38 consent of the defendant, defer further proceedings and place the
39 defendant on probation or intensive probation, as provided in this
40 subsection. The terms and conditions of probation or intensive probation
41 shall include those necessary to provide for the protection of the alleged
42 victim and other specifically designated persons and additional conditions
43 and requirements which the court deems appropriate, including imposition
44 of a fine, incarceration of the defendant in a county jail, payment of
45 restitution, completion of a domestic violence offender treatment program

1 that is provided by a facility approved by the department of health
2 services or a probation department or any other counseling or diversionary
3 programs that do not involve domestic violence and that are available to
4 the defendant. On violation of a term or condition of probation or
5 intensive probation, the court may enter an adjudication of guilt and
6 proceed as otherwise provided for revocation of probation. On fulfillment
7 of the terms and conditions of probation or intensive probation, the court
8 shall discharge the defendant and dismiss the proceedings against the
9 defendant. This subsection does not apply in any case in which the
10 defendant has previously been found guilty under this section, or in which
11 charges under this section have previously been dismissed in accordance
12 with this subsection.

13 N. If a defendant is diverted pursuant to this section, the court
14 shall provide the following written notice to the defendant:

15 You have been diverted from prosecution for an offense
16 included in domestic violence. You are now on notice that:

17 1. If you successfully complete the terms and
18 conditions of diversion, the court will discharge you and
19 dismiss the proceedings against you.

20 2. If you fail to successfully complete the terms and
21 conditions of diversion, the court may enter an adjudication
22 of guilt and proceed as provided by law.

23 O. If the defendant is found guilty of a first offense included in
24 domestic violence, the court shall provide the following written notice to
25 the defendant:

26 You have been convicted of an offense included in
27 domestic violence. You are now on notice that:

28 1. If you are convicted of a second offense included in
29 domestic violence, you may be placed on supervised probation
30 and may be incarcerated as a condition of probation.

31 2. If you are convicted of a third or subsequent
32 offense included in domestic violence, you will be sentenced
33 to a term of incarceration.

34 P. The failure or inability of the court to provide the notice
35 required under subsections N and O of this section does not
36 preclude the use of the prior convictions for any purpose
37 otherwise permitted.

38 Sec. 2. Repeal

39 Section 13-3601, Arizona Revised Statutes, as amended by Laws 1998,
40 chapter 289, section 13, is repealed.

MODEL LANGUAGE

1 Section 1. Title 31, chapter 3, article 1, Arizona Revised
2 Statutes, is amended by adding section 31-403, to read:

3 31-403. Petition for review of sentence; domestic violence

4 A. A PERSON WHO WAS CONVICTED OF A VIOLATION OF TITLE 13, CHAPTER
5 10 OR 11 BEFORE SEPTEMBER 30, 1992 MAY PETITION THE BOARD OF EXECUTIVE
6 CLEMENCY TO REVIEW THE SENTENCE IMPOSED IF ALL OF THE FOLLOWING APPLY:

7 1. THE PERSON WAS SUFFERING FROM THE BATTERED PERSONS SYNDROME AS A
8 RESULT OF THE VICTIM'S ACTS OF VIOLENCE AGAINST THE PERSON.

9 2. THERE WERE AT LEAST THREE CORROBORATED ACTS OF DOMESTIC VIOLENCE
10 INVOLVING OFFENSES DEFINED IN SECTIONS 13-1201 THROUGH 13-1204 COMMITTED
11 AGAINST THE PERSON BY THE VICTIM BEFORE THE OFFENSE FOR WHICH THE PERSON
12 WAS CONVICTED.

13 3. THE VICTIM WAS THE ONLY INDIVIDUAL WHO SUFFERED DEATH OR SERIOUS
14 PHYSICAL INJURY DURING THE COMMISSION OF THE OFFENSE.

15 4. THE PERSON COMMITTED THE OFFENSE AGAINST THE VICTIM AS A DIRECT
16 RESULT OF THE PAST ACTS OF DOMESTIC VIOLENCE BY THE VICTIM AS SET FORTH IN
17 PARAGRAPH 2 OF THIS SUBSECTION.

18 5. THE PERSON APPLIES FOR A SENTENCE REVIEW WITHIN NINETY DAYS
19 AFTER THE STATE DEPARTMENT OF CORRECTIONS POSTS, MAELS OR BROADCASTS
20 NOTICE PURSUANT TO SUBSECTION C OF THIS SECTION.

21 B. THE PETITION SHALL STATE THAT THE PERSON MEETS THE ELIGIBILITY
22 REQUIREMENTS FOR REVIEW PRESCRIBED BY SUBSECTION A OF THIS SECTION.

23 C. THE STATE DEPARTMENT OF CORRECTIONS SHALL ESTABLISH A PROCEDURE
24 FOR PROVIDING NOTICE TO INMATES OF THE ELIGIBILITY REQUIREMENTS FOR
25 SENTENCE REVIEW AND OF THE NINETY-DAY PETITION DEADLINE PRESCRIBED BY
26 SUBSECTION A OF THIS SECTION. THE STATE DEPARTMENT OF CORRECTIONS SHALL
27 PROVIDE THE NOTICE PRESCRIBED BY THIS SUBSECTION BY DECEMBER 31, 2000.

28 D. IF THE BOARD OF EXECUTIVE CLEMENCY IN ITS SOLE DISCRETION
29 DETERMINES THE PETITION TO BE SUFFICIENT, THE BOARD SHALL HOLD A HEARING
30 AT WHICH THE VICTIM'S FAMILY, THE PROSECUTOR AND THE SENTENCING JUDGE ARE
31 GIVEN NOTICE AND AN OPPORTUNITY TO BE HEARD. AFTER THE HEARING THE BOARD
32 MAY RECOMMEND REDUCTION OF SENTENCE TO THE GOVERNOR IF THE BOARD
33 DETERMINES THAT THE PERSON MEETS ALL OF THE REQUIREMENTS IN SUBSECTION A
34 OF THIS SECTION BY CLEAR AND CONVINCING EVIDENCE AND THE BOARD DETERMINES
35 THAT A SUBSTANTIAL PROBABILITY EXISTS THAT IF THE PERSON IS RELEASED, THE
36 PERSON WILL CONFORM THE PERSON'S CONDUCT TO THE REQUIREMENTS OF THE LAW.

37 E. A PERSON MAY NOT APPEAL A DECISION BY THE BOARD OF EXECUTIVE
38 CLEMENCY PURSUANT TO THIS SECTION.

39 F. THE BOARD OF EXECUTIVE CLEMENCY SHALL COMPLETE ALL REVIEWS
40 BROUGHT PURSUANT TO THIS SECTION BY DECEMBER 31, 2001.

41 Sec. 2. Delayed repeal

42 Section 31-403, Arizona Revised Statutes, as added by this act, is
43 repealed from and after January 31, 2002.
44

MODEL LANGUAGE

Section 1. Title 36, chapter 30, article 1, Arizona Revised Statutes, is amended by adding section 36-3010, to read:

36-3010. Notice to victims of domestic violence

A. THE ATTORNEY GENERAL SHALL MAKE THE FOLLOWING NOTICE AVAILABLE TO HEALTH CARE INSTITUTIONS AND HEALTH CARE PROFESSIONALS FOR DISTRIBUTION TO ANY PERSON THE INSTITUTION OR PROFESSIONAL BELIEVES IS THE VICTIM OF AN ACT OF DOMESTIC VIOLENCE:

NOTICE

IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE AND YOU BELIEVE THAT LAW ENFORCEMENT PROTECTION IS NEEDED FOR YOUR PHYSICAL SAFETY, YOU HAVE THE RIGHT TO REQUEST THAT AN OFFICER ASSIST IN PROVIDING FOR YOUR SAFETY. THIS INCLUDES RECEIVING INFORMATION ON HOW TO ASK THE COURT FOR AN ORDER OF PROTECTION PURSUANT TO SECTION 13-3602, ARIZONA REVISED STATUTES, FOR ANY OF THE FOLLOWING ORDERS:

TO STOP YOUR ABUSER FROM THREATENING TO COMMIT OR COMMITTING FURTHER ACTS OF DOMESTIC VIOLENCE.

TO PROHIBIT YOUR ABUSER FROM HARASSING, ANNOYING, TELEPHONING, CONTACTING OR OTHERWISE COMMUNICATING WITH YOU DIRECTLY OR INDIRECTLY.

TO REMOVE YOUR ABUSER FROM YOUR RESIDENCE.

TO DIRECT YOUR ABUSER TO STAY AWAY FROM YOUR RESIDENCE, SCHOOL OR PLACE OF EMPLOYMENT OR ANY OTHER SPECIFIED PLACE FREQUENTED BY YOU AND ANOTHER FAMILY OR HOUSEHOLD MEMBER.

TO PROHIBIT YOUR ABUSER FROM USING OR POSSESSING ANY FIREARM OR WEAPON AS SPECIFIED BY THE COURT.

YOU MAY REQUEST THAT THE OFFICER ASSIST YOU IN OBTAINING YOUR ESSENTIAL PERSONAL EFFECTS AND IN LOCATING AND TAKING YOU TO A DOMESTIC VIOLENCE SHELTER OR THE HOME OF A FAMILY MEMBER OR FRIEND. IF YOU NEED MEDICAL TREATMENT YOU HAVE THE RIGHT TO REQUEST THAT THE OFFICER ASSIST YOU IN OBTAINING MEDICAL TREATMENT. YOU MAY REQUEST A COPY OF THE POLICE REPORT, IF ANY, AT NO COST FROM THE LAW ENFORCEMENT AGENCY.

YOU MAY ASK A LOCAL LAW ENFORCEMENT AGENCY TO FILE A CRIMINAL COMPLAINT AGAINST THE PERSON WHO CAUSED THE ACT OF DOMESTIC VIOLENCE.

THE FORMS YOU NEED TO OBTAIN AN ORDER OF PROTECTION ARE AVAILABLE AT ANY COURT IN THIS STATE.

YOU HAVE THE RIGHT TO SEEK REIMBURSEMENT FOR LOSSES SUFFERED AS A RESULT OF THE ABUSE, INCLUDING MEDICAL AND MOVING EXPENSES, LOSS OF EARNINGS OR SUPPORT AND OTHER EXPENSES FOR INJURIES SUSTAINED AND DAMAGE TO YOUR PROPERTY. YOU CAN DO THIS IN COURT WITH OR WITHOUT AN ATTORNEY.

B. THE NOTICE REQUIRED PURSUANT TO THIS SECTION SHALL INCLUDE A LIST OF RESOURCES THAT ARE AVAILABLE IN EACH COUNTY WHERE A PERSON MAY RECEIVE FURTHER INFORMATION ON DOMESTIC VIOLENCE SUPPORT. THE NOTICE SHALL NOT DISCLOSE THE LOCATION OF ANY DOMESTIC VIOLENCE SHELTER.

1 C. THE ATTORNEY GENERAL SHALL PREPARE THIS INFORMATION IN ENGLISH
2 AND SPANISH.

3 Sec. 2. Appropriation

4 The sum of \$_____ is appropriated from the state general fund to
5 the department of law for fiscal year 2000-2001 for the costs dassociated
6 with printing and ditributing notice to victims.
7

12-21-99

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Thursday, December 9, 1999

Time: 12:00 P.M.

Place: Senate Hearing Room 1

AGENDA

1. Call to Order
2. Reports from Subcommittees:
 - Child Custody
 - Court Appointed Psychologists
 - Court Process
 - Enforcement and Review
 - Funding
3. Vote on Subcommittee Recommendations
4. Public Testimony
5. Adjourn

Members:

Senator Elaine Richardson, Co-Chair
Senator Darden Hamilton, Co-Chair
Senator Keith Bee
Senator Jack Jackson
Senator David Petersen
Sgt. Robert Barton
Bahney Dedolph
Betty Ryan
Russell Smoldon

Representative Laura Knaparek, Co-Chair
Representative Kathleen Dunbar
Representative Sally Ann Gonzales
Representative Rebecca Rios
Representative Roberta Voss
Ed Cook
Lisa Kaiser
Beebee Joy
Charlie Thompson

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602)542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.
BG/nld 11/30/99

ARIZONA STATE LEGISLATURE

SELECT TASK FORCE ON DOMESTIC VIOLENCE

Minutes of the Meeting
Thursday, December 9, 1999
Senate Hearing Room 1 - 12:00 p.m.

Members Present:

Senator Elaine Richardson, Cochair
Senator Darden Hamilton, Cochair
Senator David Petersen
Sgt. Robert Barton
Ed Cook

Representative Laura Knaparek, Cochair
Representative Sally Ann Gonzales
Representative Rebecca Rios
Lisa Kaiser
Pastor Bee Bee Joy

Members Absent:

Senator Keith Bee
Senator Jack Jackson
Bahney Dedolph
Betty Ryan

Representative Kathleen Dunbar
Representative Roberta Voss
Russell Smoldon
Charlie Thompson

Staff:

Jim Keane, Senate GES Analyst
Keri Sparks, House CFIDS Analyst

The meeting was unofficially called to order at 12:40 as there was not a quorum present. Senator Hamilton stated that Betty Ryan would be contacted on a conference call for the purposes of a quorum and it is hoped that her vote can be counted when the recommendations are presented.

Senator Hamilton stated there have been several subcommittees to this Task Force which have met since the last meeting of the full Task Force. The subcommittees are: Child Custody; Court Appointed Psychologists; Court Process; Enforcement and Review; and Funding. He stated the Task Force will hear testimony from each of the subcommittees, and will vote on each recommendation. He stated each subcommittee has held open hearings, so the public testimony at this meeting will be held to an absolute minimum.

Senator Richardson apologized for the confusion over a quorum, and stated the meeting would be as speedy as possible because some of the members have to leave by 2:00 p.m. She recommended that for each subcommittee, items 3 and 4 on the agenda immediately follow the subcommittee report, so that the Task Force is not voting on one large recommendation at the end of the meeting.

Reports from the Subcommittees

Child Custody Subcommittee

Senator Richardson said the Subcommittee (Attachment A) focused on statutory language to create rebuttable presumption in custody cases against perpetrators of domestic violence. She said the Subcommittee used model legislation from the National Council of Juvenile and Family Court Judges. The Subcommittee feels it has reached a good compromise position in order to promote the broadest support. Senator Richardson said it also considered issues arising when a domestic violence victim takes flight to avoid further violence. She added that 16 states have passed these recommendations as well as California. She noted the Subcommittee has worked out the proposed language that could be worked into the current custody statute. Senator Richardson stated the Subcommittee had been working with two statutes, and for conformity purposes, everything has been placed under one statute. She asked Glen Davis to explain the language, adding that it became very controversial at times and the judges were not happy with the Subcommittee having recommendations for them. She said it is still a work in progress.

Glen Davis, Counsel to the Minority, stated the draft legislation put some language into statute giving some factors for a court to consider when making visitation orders in domestic violence situations. He stated it creates a rebuttable presumption, in a domestic violence situation, that to award custody to a perpetrator of domestic violence is not in a child's best interest. It also deals with the issue of relocation in order to avoid domestic violence. The original language discussed last year in S.B. 1284 said that the court should not weigh that against a person. This says if a person relocated because of domestic violence, the court could consider that in making a decision. Mr. Davis said the proposed draft reorders the existing statute, A.R.S. 25-403. He noted in the draft there is language which appears to be stricken; in reality, nothing is stricken, it is moved around. He explained that on the first page the language which is stricken is moved to a separate subsection which deals with the same subject matter.

Senator Petersen asked for information on the part of the report Mr. Davis referred to. Mr. Davis replied he is reading from the attachments to the report, which is a report from the National Conference, and on page 22 of that is the draft.

Mr. Davis continued that the visitation factors are added into a visitation order where, if the court finds that domestic violence has occurred, the court may use one of the items on the list of nine taken from the Model Act. The language stricken on page 2 (c), which is rebuttable language that applies to a person convicted of a drug offense, was moved to follow the domestic violence language in the statute. The same applies to the language on page 3 about consideration of evidence for domestic violence.

Mr. Davis said that page 4 begins the bulk of the bill. It says that if the court determines that the person seeking custody has perpetrated domestic violence, there is a rebuttable presumption that an award to that person is not in the best interests of the

child. He noted the Subcommittee looked to the California statute, and it is limited to three situations: (1) placing a person in apprehension of serious physical injury or sexual assault; (2) attempting to cause serious physical injury or sexual assault; (3) engaging in a pattern of behavior for which the court may issue an ex-parte order for protection of the child or the child's siblings.

Representative Knaparek asked for clarification of (j), and said it appears there is a rebuttable presumption if one or the other of the parents is presumed to be in domestic violence, but if they both are, then there is no presumption. Mr. Davis verified that and said it returns to "square one" and the presumption language does not apply. The court must decide the case on the basis of the evidence before it.

Representative Knaparek asked if that takes care of the "finger pointing" problem, where each defendant is accusing the other. Mr. Davis said it does, but reminded the Committee the court must find evidence of domestic violence, including weighing the types of police reports. An accusation with no support will not be given the weight of something which has a police report to back it up.

Representative Knaparek said because these pieces of legislation are in different parts of statute, the factors found in existing law on page 5 would have to be used to determine (j). Mr. Davis explained that in determining the existence of domestic violence, (n) defines that purpose for the whole section on domestic violence.

Mr. Davis stated the language on page 4 defining factors to overcome the presumption is taken from California law, and includes whether the person has completed a treatment program or parenting classes, and whether there has been an additional incident. He said it is a modified version of the Model Act which says the court shall not order joint counseling between the victim and the perpetrator. A victim may have appropriate counseling.

Mr. Davis said that (m) is the provision about determining whether relocation is going to be weighed against a person, and can determine if flight was caused by the domestic violence. He said this is a directive to the court, not a mandatory clause. He continued that on page 6 the language that talks about a person convicted of a drug offense was that which was moved from a previous section of statute.

Representative Knaparek applauded the Subcommittee and said it has done an excellent job in moving this subject forward.

Senator Richardson called for a motion on this report.

Senator Hamilton moved the Task Force adopt the recommendations of the Child Custody Subcommittee.

Senator Richardson stated the Child Custody Subcommittee had studied criminal custodial interference laws as well, but decided they were much too involved, and the Subcommittee did not want to convolute the legislation at this time.

While endeavoring to reach Ms. Ryan by telephone in order to vote on the recommendations, Senator Richardson stated this is an innovative committee today since it involves reaching Ms. Ryan by phone. She stated there was another recommendation from this Subcommittee which was also recommended by two other subcommittees. It is a proposal developed by the State Bar of Arizona and the Coalition Against Domestic Violence, endorsed by the Subcommittee, ensuring that a pilot project funded by the Department of Justice continues to provide lay legal advocacy, and that the Legal Advocacy Center be continued. She said she would ask the Task Force to vote on these recommendations of the Subcommittee.

The motion by Senator Hamilton to adopt the recommendations received a unanimous voice vote of the nine sitting members.

Senator Richardson opted to continue the meeting while waiting for Ms. Ryan to come to the phone. Representative Knaparek suggested writing all of the recommendations down and having her vote on them all at once.

Court Appointed Psychologists Subcommittee

Senator Hamilton stated this Subcommittee met four or five times, heard 14 hours of testimony and learned a lot about the Arizona system within the Family Court. He noted that the reason court-appointed psychologists were discussed is because in nearly every case where domestic violence is an issue, and child custody is a concern, the psychologists are part of the team at the court. He explained the Subcommittee had 11 recommendations, but was able to vote on only eight. He noted the meeting at which they voted ran until 7:30 p.m., and the quorum was lost. He said he believes the time spent was well-worth the results attained, and thanked the members for the time they spent on these recommendations.

At this point, Ms. Ryan was brought in on the teleconference, and Mr. Davis returned to the podium to explain the recommendations of the Child Custody Subcommittee. He also told her the statute had been reworded somewhat.

Senator Richardson repeated the motion to adopt the proposal of the Child Custody Subcommittee. Ms. Ryan voted aye. The motion CARRIED by voice vote.

Senator Hamilton listed the recommendations of the Subcommittee on Court-Appointed Psychologists (Attachment B): 1) the Subcommittee adamantly opposes legislation to further decrease the accountability of the court-appointed psychologists; 2) the Subcommittee recommends that the method of appointing a psychologist be made less biased by having a roster of the court-appointed psychologists; 3) The Subcommittee

recommends additional funding for legal advocacy assistance of domestic violence victims; 4) the Subcommittee recommends the courts be encouraged to develop mandatory domestic violence training for judges, court staff, court-appointed evaluators, mediators and conciliation services staff; 5) the Subcommittee recommends additional funding for community-based organizations to be used roles that are traditionally done by conciliation services; 6) the Subcommittee recommends the concepts described in the R.C. Barden Truth and Responsibility in Mental Health Practices Act (Attachment C) be proposed as model legislation in the upcoming session; 7) the Subcommittee recommends that the courts be encouraged to appoint a multidisciplinary team, including legislators serving in an advisory capacity, to develop statewide standard guidelines for court appointed evaluators, including disciplinary measures for not following those guidelines. The Subcommittee further recommends that any evaluator who participates in family evaluations or in domestic relations court should follow statewide guidelines for conduct of court appointed evaluators. 8) The Subcommittee recommends the courts be encouraged to appoint a multidisciplinary team to develop processes to increase public confidence in all evaluations.

Mr. Cook requested that items six and seven be addressed separately from items one through five and item eight. Senator Richardson asked if there were objections to Mr. Cook's request. Senator Petersen, Representative Knaparek and Pastor Joy objected. Senator Richardson determined that a vote could not be taken on Mr. Cook's request because the quorum was not present.

Staff suggested that the Task Force continue to take testimony on all the subcommittees, and when Ms. Ryan is again brought in via teleconference, it can vote on the request of Mr. Cook as well as the recommendations.

In response to Senator Richardson's question, Mr. Cook explained he had made the request because he feels compelled to vote nay on item 6 and must abstain on item 7 on an ethical matter. He stated if item seven was not separated and he abstained, he would have to abstain on the entire set of recommendations.

Kathleen Ferraro, representing Bahney Dedolph, whom she said had given her some information on the recommendations of the Court-Appointed Psychologists Subcommittee. She referred to item 3 of the recommendations, regarding legal advocacy, and stated the Domestic Violence Coalition Legal Advocacy Hotline has provided resources to an average of 1,287 callers per year with two women on the hotline. The legal advocacy services are serving many victims who need support. The Coalition feels that the services are critical and Ms. Dedolph supports that recommendation. Ms. Ferraro stated that Ms. Dedolph strongly supports the recommendations on the mandated training found in item 4, which is consistent with the California statute, and 22 other states. Regarding recommendations 6 and 7, Ms. Ferraro said Ms. Dedolph feels they fall outside the mandate of this Task Force, and she has not had time to review all the ramifications.

Lisa Kaiser stressed that testimony the Subcommittee heard indicated how important the accountability of the court-appointed psychologists is, and that they should not have absolute immunity. Ms. Kaiser referred to items 6 and 7 and all other areas regarding formation of a multidisciplinary board, and said the court "teams" should also include a viable number of public members, not just judges and court staff.

Representative Knaparek said her subcommittee did not deal with these issues, but her office receives numerous phone calls from people who are concerned about accountability. If someone gets a psychologist who is "not very good" they cannot challenge his appointment. She said she thinks it is very important that the Task Force forward this as a recommendation, and as the bill is moved forward, it can be strengthened.

Court Process Subcommittee

Representative Knaparek stated her Subcommittee met twice, with the intent of meeting a third time, when she was called away. She apologized to the Subcommittee, and said she would like to report on its activities. Representative Knaparek stated the Subcommittee felt it needed to address an appeals process or special action. She said the Subcommittee also heard testimony about the Court Watch Program from Bahney Dedolph. She said it also looked at possible legislation on parents rights and responsibilities. The Subcommittee was quite interested in redacting. Representative Knaparek stated it found there was adequate coverage of redacting in the statutes, mostly under information. She pointed out a "rights" pamphlet should be printed and distributed. She said there is special action in law, which surprised a number of the members of the Subcommittee, and caused them to believe that information should be brought to the public's attention. The elimination of fees for filing a protection order was considered. It is only a \$5.00 fee, but Ms. Dedolph had expressed concern because she felt it may interfere with some of the money for the shelters, and the counties and cities may not like it.

Representative Knaparek noted that many who go through this system feel alone, and even with a lawyer they do not receive adequate information, and resources and support are very important. Judge Armstrong had suggested expanding the CASAs, which are court-appointed special advocates. The Subcommittee would like to make that expansion one of its recommendations.

Representative Knaparek said the Subcommittee does not want to put the "rights" pamphlet into statute but it would encourage the courts to produce a pamphlet in English and Spanish, and to include the appeals and special action information, and distribute it to the self-help center as well as the domestic violence center and division of the court once it is developed.

Representative Knaparek stated the Subcommittee discussed orders of protection, and said the apparent problem is in regulation. She noted the police are not reporting and following through on orders of protection. It is in a diligent statute which says they must

serve them. She said the law is there, but the Legislature cannot force the police. She stated the Subcommittee will still be working on their recommendations.

Senator Richardson said she feels this is the most unusual committee she has ever chaired; however, the Rules Attorney has determined that a vote via teleconference is not allowed, but the Task Force may submit an **expression of consensus** on the recommendations. It is not official, but a report may indicate the consensus of the committee. She said it is nearly as strong as a vote.

Senator Richardson stated the chair of the Enforcement and Review Subcommittee is Representative Voss, who is out-of-town at an ALEC meeting, and the report on her Subcommittee will not be heard.

Senator Richardson noted that Representative Dunbar, chair of the Funding Subcommittee, was ill and could not attend, but that Representative Dunbar has asked "Hank" Barnes of the Governor's Office to give the report.

Harriet "Hank" Barnes, Governor's Office on Domestic Violence, gave the report for the Funding Subcommittee (Attachment D), and said it had several lengthy meetings. She said she would try to present a capsule of the information received from the State agencies which was used for the Subcommittee's background information. There were numerous requests for numerous types of services, including advocacy and sheltering. The recommendations are: 1) the Legislature approve an appropriation of \$2 million from the General Fund in FY 2000 to the Department of Economic Security to provide funds for shelters for the purpose of sheltering operation. Ms. Barnes noted that 200 additional beds have been added to the shelter system through a variety of methods. This has left the shelters in a crisis, because operational money was not included in the funding. She stated this is an emergency need, and not a regular budgetary item. 2) The Subcommittee recommends that the Legislature appropriate \$1 million to maintain the current legal service attorneys and lay legal advocacy, as well as the hotline. Ms. Barnes said these areas support a much needed array of services that would be unable to continue serving because of the loss of funding. This recommendation is also designated as an emergency. 3) The Subcommittee recommends the Legislature approve the Supreme Court's supplemental budget request, which will pay for the additional Probation Officers to cover the projected case load of domestic violence from the limited jurisdiction courts, and assist the piloting of the misdemeanor enhancement law. Ms. Barnes stated this, too, is seen as an emergency measure. 4) The Subcommittee recommends the creation of an ad hoc task force to become part of START, which is an existing collaboration between State Agencies that fund domestic violence programs. It would be formed for the purpose of creating a comprehensive State plan to combat domestic violence. The Task Force would be required to report by December 15, 2000, and provide details of goals, objectives and measurable outcomes.

Representative Knaparek stated there is a subcommittee on domestic violence which includes legislators, but is a court committee. She said she would hate to duplicate something which already exists, and asked what the difference would be.

Darren LaSorte, Legislative Officer with the Arizona Supreme Court, came forward to respond to Representative Knaparek. He said he believes the committee to which she referred is CIDVIC, the Committee on the Impact of Domestic Violence in the Courts, and that Sgt. Barton is a member of that group. That group is focused on trying to improve the court process, so it is less comprehensive than what the Subcommittee is proposing. He offered the opinion that CIDVIC should be included in item 4, so that the court's perspective is included.

Representative Knaparek stated the committee which she is thinking of is not called CIDVIC, and that she is on the Child Custody subcommittee of that committee. Mr. LaSorte named several existing committees which are legislatively created, but do not deal with domestic violence, but are focused on child custody issues.

Senator Petersen stated the committee which Representative Knaparek is thinking of is able to look at domestic violence if it chooses to.

Senator Richardson said she had not seen the report of the Funding Subcommittee heretofore, and she would like to look at item 4 further. She stated that when she worked for Narcotics Strike Force, which is a coordinating agency that is supposed to put police and metro agencies together, that agency took an identity of its own, and began receiving funding of its own. Senator Richardson said the Task Force needs to be cautious about Item 4 which might take money away rather than giving it funding.

Tape 1, Side B

Ms. Barnes returned to the podium, and suggested that the creation of a coalition or coordinating task force specifically to deal with domestic violence was a good idea because of all the many agencies and subcommittees already in existence. She said that speaks to why the Subcommittee felt there needed to be a coming together to build that plan.

Representative Knaparek said it also speaks to why there should not be another committee created. She said there are so many already, each working on the same thing, duplicating efforts, but not speaking to each other and lacking coordination. She said the idea is fine, but the "how" needs to be hammered out.

Responding to Senator Richardson, Ms. Barnes replied that item 5 would explain the funding for such a task force.

Senator Petersen stated the Domestic Relations Subcommittee is up for reapproval this Session. He noted it has been suggested the Legislature could make changes to that

subcommittee and give it the charge to have domestic violence issues discussed. He said the make-up of the subcommittee would have to be changed.

Ms. Barnes said the purpose for the creation of a new task force would be to include START, which is made up of the eight-state agencies which have hands-on experience and knowledge of funds and programming going on in the State. She continued that item 5 recommends that this subcommittee be fully funded. The START agencies would hire an independent consultant to assist with the evaluation and planning. The funding for the task force is expected to be \$75,000, although the Subcommittee identified federal money which would be available to the State. However, that money requires a matching fund from the State.

Sally Mason, Director of Programs, Sojourner Center, said her agency would like to express its support for item #1. She said the construction underway at the Center will allow them to add 76 shelter beds to Maricopa County, bringing the total to 120. She said the Center is looking at a cost increase of \$900,000 per year for operating costs alone; \$395,000 will go to staff salaries, and the remainder to electricity, supplies, case management and child care to name a few. She said the increase will allow them to continue to provide a safe place for women to escape violence and begin life independent of violence.

Crystal Miller, founder of Preserving America's Children Today (PACT), stated she has been following the subcommittee on court-appointed psychologists. She said she had received a letter from the Arizona Coalition on Domestic Violence which states the Coalition provides shelters, that they have been in existence for 20 years and have become very effective. Ms. Miller stated that in 1996 she volunteered for that agency because of a charge to do community work. She said during that time she became very frustrated because she saw no effective production from that Coalition. Ms. Miller related that "tormented mothers" would be calling the hotline, that she would spend time talking with them, and felt the mothers were given only the minimum facts and some encouragement. She did not believe that was the intention of the Coalition. Ms. Miller said she did not know of the existence of any shelters, and that she opposes the funding for the Coalition.

Representative Knaparek said it seems that if the State is going to take General Fund money and put it into a program there must be some oversight. If public money is given an agency, they must be under the scrutiny of a public audit. She asked what Ms. Miller thought about adding an audit language to this recommendation, so the Legislature knows where the money is spent.

Ms. Miller said she thought that would be a very good idea. She added that she, along with other victims, have had evaluations handled very vindictively. She said she could stand outside the Conciliation Services office all day long and see devastated parents who have the best interest of their children at heart. She said it is common for the evaluator to take the abuser's side, and she hoped that the Task Force would keep that under consideration as well.

Representative Knaparek asked what Conciliation Service is. Ms. Miller explained it is a service of the courts and it is necessary for divorcing parents to go there. She explained that in 1993, when she was being divorced, it was not a mandate, and at that time, was considered to have been a bad thing in her case.

Representative Knaparek clarified that Ms. Miller is claiming the Conciliation Services does not work and actually harms the victim. Ms. Miller verified that. Representative Knaparek asked if Ms. Miller recommends an evaluation in that area. Ms. Miller stated she does.

Senator Richardson called the meeting officially to order at 1:50 p.m. upon the arrival of Representative Gonzales who created a quorum with her presence. She stated she would like to take a vote on the recommendations of the subcommittees which have been heard, before the other members who have other commitments leave. She apologized to Ms. Miller, and said she has raised some interesting points, but the Task Force must vote while the quorum is present.

Representative Knaparek reminded the Task Force that Mr. Cook is going to abstain on an issue. Senator Richardson called for a motion on the recommendations of the Child Custody Subcommittee.

Representative Knaparek moved the Task Force adopt the recommendations of the Child Custody Subcommittee on rebuttable presumption and court appointed advocacy. The motion CARRIED by voice vote.

Senator Hamilton moved the Task Force adopt the eight recommendations of the Subcommittee on Court Appointed Psychologists.

Mr. Cook moved that the Task Force separate items 6 and 7 from items 1 through 5 and item 8.

Mr. Cook explained that the Subcommittee did not take testimony on item 6, and the issue was raised as recently as the Monday prior to this meeting. He does not believe there is a consensus of the Subcommittee, and he would like to be able to vote no on that item.

Senator Petersen stated that three members of the Subcommittee spent five hours listening to testimony on that issue in a separate meeting. In addition, he stated that Senator Hamilton has had extensive experience with court-appointed psychologists, and is very familiar with the subject. It has been found that many of them are using "junk science" which has no foundation. He said he thought the Subcommittee had acquired enough knowledge to express an opinion on the subject, and did vote in favor, with a negative vote from Mr. Cook and an abstention from Ms. Dedolph.

Senator Hamilton questioned Mr. Cook's reason for separating item 7. Mr. Cook replied that he would have to abstain on item 7 and he would like to have it separated so that he does not have to abstain on all the recommendations.

Representative Knaparek made a substitute motion that item 7 be voted on separately from the 8 item-recommendation of the Subcommittee, so that Mr. Cook could abstain, and then he could vote as he saw fit on the others. The motion CARRIED by voice vote.

Senator Richardson called for the vote on item 1 through 6 and item 8.

The motion to adopt the Subcommittee's recommendation of items 1 through 6 and item 8 CARRIED by a voice vote of eight ayes and 2 nos.

Senator Richardson called for the vote on item 7.

The motion to adopt the Subcommittee's recommendation of item 7 CARRIED by voice vote with one abstention.

Senator Richardson said the recommendations of the Court-Appointed Psychologists Subcommittee will be added to the recommendation of the Task Force. She announced the Task Force will not be voting on the Court Process Subcommittee's and Enforcement and Review Subcommittee's recommendations, and there will be ongoing work in those Subcommittees. She stated the last recommendations on which the Task Force will vote are those of the Funding Subcommittee. She said the chair would entertain a motion for the Subcommittee's recommendations on funding.

Representative Knaparek moved the Task Force approve recommendation #1 of the Subcommittee on Funding, with the addition of an annual audit performed by the Office of the Auditor General. She further moved that recommendations #2 and #3 be approved. Representative Knaparek further moved that instead of recommendations #4 and #5, when the Committee on Domestic Relations is up for renewal, the legislation be amended to include the recommendations of #4. The motion CARRIED by voice vote.

Mr. Cook asked why the Task Force is seeking an annual audit. Representative Knaparek stated she thought the appropriation was an annual funding, but is now learning that it is a one-time appropriation. She said the legislation could be tweaked in Session.

Senator Richardson called Ms. Miller to return to the podium, and asked as many members as possible to remain.

Ms. Miller stated she has had a lot of interest in the area of domestic violence and custody since she has gone through a six-year custody court battle. She stated she just had her modification for probation last week, and was gratified because the judge let her explain her side of the story during the evaluation. Ms. Miller stated that her case makes her able to perceive the best interests of others in the community.

Ms. Miller explained she had attended a forum in 1998, at which Governor Hull spoke. She stated she was gratified to hear the Governor say the State was going to rise up and protect its children, and that Arizona would be the leading state to protect the children of America. Ms. Miller said she was very encouraged at this forum, but it now appears that the "ball has been dropped." Today, she was encouraged by the report of the Subcommittee for Court Appointed Psychologists, and feels they may take up where things were left off. She beseeched the Task Force to expose what is being hidden for the sake of the innocent victim and the parent who has the best interest of his or her children at heart.

Ms. Miller explained that she had discussions with Ms. Barnes of the Governor's Office during her child custody battle. She provided Ms. Barnes with a list of things she was asking, and it was given to the legal counsel in the Governor's Office. She said she realized that Ms. Barnes' office could not help her, but she questioned the purpose of the office and what its effects are. She wondered if the fact that it is a political appointment has anything to do with its lack of effectiveness.

Senator Richardson stated that position has been filled by the same person, through reappointment by different Governors, for a number of years. She said she believes there is a coordinating effect and a lot of outreach there. She stated she has worked well with that office, and has the utmost respect for it. The outreach to the community is done by that office. She said she would like to have a discussion with Ms. Miller on the problems she perceived.

Representative Knaparek said she knows that often individual expectations are not met by State agencies. She has many constituents whom she cannot help, but must send them to a city or county agency. She said each office can only do so much.

Ms. Miller said she did not want her comments to be based on her case alone. She noted that she has her children and their lives are back on track. Ms. Miller said she is sure there have been many who have been helped by Ms. Barnes' office. She said that she comes across, and tries to help, many whose lives are not on track.

Senator Richardson commended her for her courage, and she knows what Ms. Miller has been through. She praised her for the help she has given others.

Ms. Barnes, Governor's Office on Domestic Violence, responded to Ms. Miller's testimony. She thanked Representative Knaparek for her comments, and stated her office could not provide or interfere with a legal matter of custody, no matter how

compelling things were from the constituent. She had asked if she could be an advocate and the legal opinion was that the Office could not interfere.

Senator Richardson thanked Ms. Barnes for all the work she has done on the Subcommittee, and noted that she had attended every meeting.

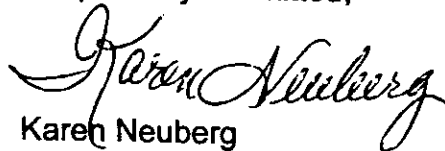
Kathleen Ferraro responded to Ms. Miller's testimony, and said the Arizona Coalition on Domestic Violence, as well as any agency of the State, goes through extensive reporting for their income. She stated the Coalition has an audit every year. It does not provide, and never has provided, shelter services. Ms. Ferraro said it is a coordinating agency which advocates for domestic violence victims.

Those who were present, but did not speak, were: **Roberto Armijo, Direction; Tara Plese, Legislative Liaison, Arizona Catholic Conference; Eddie Sissons, Executive Director, Arizona Justice Institute; Vivian Saunders, Intergovernmental Relations, Salt River Pima-Maricopa Indian Community; Ginny Hildebrand, Executive Director, Association of Arizona Food Banks; and Elizabeth Hudgins, Senior Program Associate, Children's Action Alliance.**

Senator Richardson thanked every on the Task Force for their work and support. She said she believes good legislation will result from their efforts.

There being no further business, the meeting adjourned at 2:12 p.m.

Respectfully submitted,



Karen Neuberg
Committee Secretary

(Tapes and attachments on file in the Secretary of the Senate's Office.)

Report of the Subcommittee on Child Custody of the Domestic Violence Task Force

The Subcommittee focused on issues including statutory language to create a rebuttable presumption in custody cases against perpetrators of domestic violence and other provisions based on model legislation recommended by the National Council of Juvenile and Family Court Judges. One of the goals for the Child Custody subcommittee of this subcommittee was to look at that issue and attempt to work out legislative language on the issue that will have the broadest possible support.

This subcommittee also considered issues arising when a domestic violence victim takes flight to avoid further violence. One issue in that area is whether the fact that a person takes refuge to avoid domestic violence should be used by the court against that person in determining custody or visitation. Another part of that consideration will include a review of our criminal custodial interference statutes and the adequacy of the existing domestic violence defense language in that statute.

The subcommittee heard a presentation from the National Council on Juvenile and Family Court Judges (NCJFCJ) concerning Arizona's custody law and the NCJFCJ Model Act provisions related to child custody and domestic violence. A summary of that presentation is attached.

The subcommittee reviewed current Arizona law and worked out proposed language that could be integrated into the existing custody statute, A.R.S. § 25-403, that includes presumption provisions and other provisions based upon the Model Act. The presumption provision in the proposed legislation includes defining, limiting language as to when the presumption should be applied and how it may be rebutted, worked out by the subcommittee members, drawn in part from a similar California statute. A copy of a rough draft of the custody bill that includes the language and concepts approved by the subcommittee is attached.

It is the recommendation of the Subcommittee that the Task Force support this legislation.

The subcommittee reviewed and discussed the provisions of Arizona's criminal custodial interference law, A.R.S. §13-1302. The subcommittee decided to refrain from making recommendation of any changes to the criminal statute at this time. The

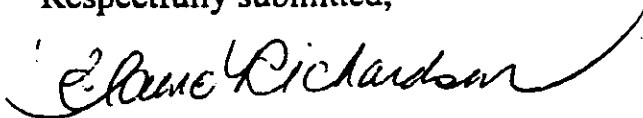
consensus was to pursue the changes to the custody statute contained in the proposed legislation, to provide stronger language and direction to the courts in making the custody orders that are sometimes enforced under the criminal statutes.

Finally, the subcommittee concluded that the position of victims of domestic violence in custody actions could be greatly enhanced by assistance with legal advocacy in preparing and presenting cases to the court. The subcommittee was provided information indicating that legal advocacy is the second greatest unmet need for domestic violence victims behind only shelter beds. In Maricopa County alone, it is estimated that in over 90 percent of all domestic relations cases, at least one party does not have an attorney and that in nearly two-thirds of cases neither side has an attorney.

A proposal developed by the State Bar of Arizona and the Coalition Against Domestic Violence would provide \$ 1 million in funding to ensure that a pilot project funded by the Department of Justice continues to provide lay legal advocacy combined with attorney representation to victims in multiple counties and that the Maricopa County Legal Advocacy Center be continued. Both projects are scheduled to have their federal funds expire in 2000.

The State Bar advocacy proposal was endorsed by the subcommittee and it is recommended that the full Task Force also endorse this proposal.

Respectfully submitted,



Senator Elaine Richardson
Subcommittee Chair

Attachments:

- 1. Summary of presentation made to subcommittee by the National Council on Juvenile and Family Court Judges (NCJFCJ) concerning Arizona's custody law and the NCJFCJ Model Act provisions related to child custody and domestic violence*
- 2. Rough draft of the custody bill that includes the language and concepts approved by the subcommittee*

ARIZONA STATE LEGISLATURE

Subcommittee on Child Custody
Select Task Force on Domestic Violence

**National Council of Juvenile
and Family Court Judges**

Presenter: *Billie Lee Dunford-Jackson, JD*

*Can an abusive
spouse be a
good parent?*

To answer this question requires an understanding of what domestic violence is and what it is not:

What domestic violence is not:

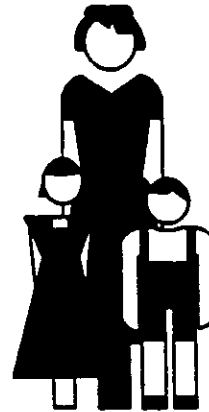
- **Loss of temper**
- **Poor impulse control**
- **Intra-couple squabbling**
- **Need for anger management**
- **Situational violence**

All of these things do happen in some families, of course. But as unfortunate as they are, they are not what we mean by domestic violence in its classic sense, the kind that is dangerous, even life-threatening, to thousands of adult and child victims in this country every year.

So first let's make sure we are all talking about the same thing when we use the term "domestic violence."

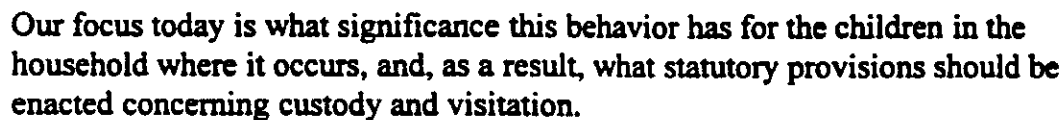
Domestic Violence

- **Pattern of assaultive and coercive behaviors**
- **Multiple episodes**
- **Physical force and terror**
- **Causing physical and psychological harm**



And the abuser engages in some or all of these behaviors with a single goal in mind:





Current Arizona Law

Acknowledges:

§ 13-1302 H - Joint custody is not appropriate if the court makes a finding of significant domestic violence.

Comment: But leaves door open for abuser to get custody and in fact they often:

- Have more assets
- Have greater income
- Make better witnesses
- Appear more willing to cooperate
- Are the stated preference of the children

This is a crucial issue, because of the numbers of children exposed to violence in their homes and the adverse impact they suffer.

Children at the scene is a common occurrence:

- Between 3.3 million (Carlson) and 10 million (Straus) children in the U. S. each year witness a parent suffering abuse at the hands of an intimate.
- Even when children do not see or hear violent episodes, and their parents think they are unaware of the violence, they can almost always recount with accuracy what happens in their homes.



Children in Violent Homes

- **Children are often the unintended victims of battering. Children in violent homes face dual threats: the threat of witnessing traumatic events, and the threat of physical assault. Children of abused women may:**
 - **Be injured during an incident of parental violence, sometimes while still a fetus;**
 - **Be traumatized by fear for their mother and their own helplessness in protecting her;**
 - **Blame themselves for not preventing the violence or for causing it;**
 - **Be abused or neglected themselves;**

- **Be abducted by their mother's abuser or in some other way used as a tool to terrorize, manipulate or retaliate against their mother;**
- **Be at increased risk of harm if their mother attempts to leave the abuser or shortly after the separation;**
- **Be subjected to emotional neglect on account of their mother's impaired capacity to parent as a result of the violation she suffers; and**
- **Be subjected to financial neglect on account of their mother's inability to access the family's financial resources.**

**U.S. Advisory Board on Child
Abuse & Neglect**

***"Domestic violence is the
single, major precursor
to child abuse and
neglect fatalities in the
U.S."***

A Nations' Shame, April 1995

Definition of "presence of the child":

- Observing
- Hearing
- Being directly involved
- Suffering the aftermath

It is important to note that children suffer adverse impact from domestic violence in ways which may not be readily apparent at first glance. The "presence of the child" is more all-encompassing than its name indicates:

While observing, hearing and being the direct or indirect targets of the abuse are self-explanatory, suffering the aftermath casts a wider net than might be supposed.

Suffering the aftermath includes such factors as:

- having mothers who are physically injured and psychologically impaired to the extent that their ability to parent is compromised
- suffering deprivation of the stability of home life and physical surroundings--living in a shelter, for example
- waiting for the shoe to drop again
- suffering ambivalent responses to parents--both to the parent whom they love but fear, and to the parent whom they love but see as victimized and weakened.

No matter whether the child experiences the violence by only one or all of these means, the result is the same: since domestic violence is a pattern of repetitive behaviors, the violence permeates the child's existence.

Children of domestic violence have been likened to veterans of warfare. And this is true equally for those children who "merely" witness the violence as for those who suffer physical abuse themselves. One common characteristic of these children and battle veterans is hypervigilance: never being able to relax, never knowing from one minute to the next when the violence might erupt again and what will trigger it, and feeling personal responsibility for the violence or for not being able to avert it or for not being able to protect the abused parent.

Violent Homes

Chances are about 50%

- **given child abuse, there is also spouse abuse**
- **given spouse abuse, there is also child abuse**

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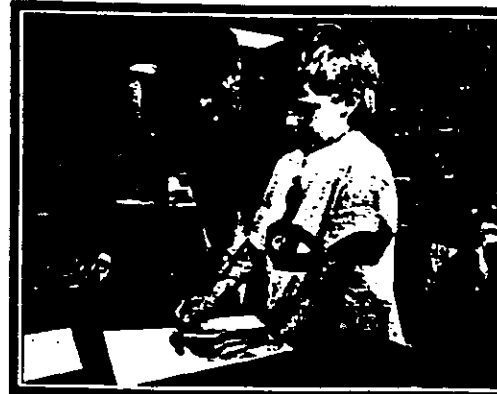
graph TD
    CA[Child Abuse] --> CSA[Child & Spouse Abuse]
    SA[Spouse Abuse] --> CSA
            
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We are finally realizing that child abuse and partner abuse are not two distinct problems. They are two sides of a single, multi-faceted problem.

The results for the children are:

Impact on children from witnessing violence against a parent:

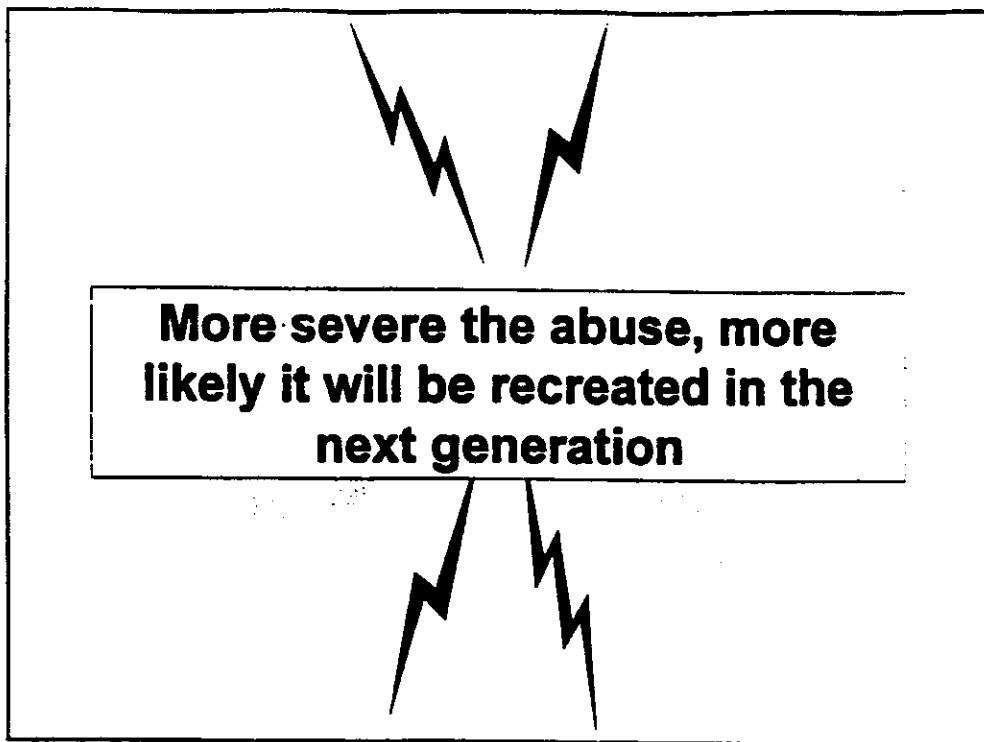
- **Behavioral and emotional**
- **Cognitive functioning and attitudes**
- **Physical functioning**



Thinking about what children must be feeling who live in violent homes leads to the conclusion that they must suffer adverse impacts in every phase of their development. In fact, in a recent article entitled "Problems Associated with Children's Witnessing of Domestic Violence"*, J. Edleson, Univ. of Minn., provides an overview of studies detailing the adverse impact caused children by witnessing domestic violence. These adverse consequences fall into 3 categories:

- **behavioral and emotional**—externalized behaviors such as aggressiveness and antisocial acts and internalized behaviors such as fearfulness and inhibited actions. Anxiety, self-esteem, depression, anger and temperament problems. Less empathy, inability to view situations from the perspective of others, peer relationship problems, lack of self-control.
- **Cognitive functioning and attitudes**—lower verbal and quantitative skills, greater immaturity and inadequacy. Use of violence to solve problems, lack of alternative conflict resolution skills, and especially among boys, the belief that acting violently enhances reputation or image.
- **Physical functioning**—psychosomatic complaints, more time missed from school.

*Article available at www.vaw.umn.edu/vawnet/witness.htm



This is what perpetuates the cycle of violence from generation to generation. This fact also should trigger an inquiry about the implications for custody and visitation in domestic violence cases, even those where the children are not physically endangered.

So, can an abusive spouse be a good parent?

Access vs. Safety

What do the best interests of the child require when that child lives in a household afflicted with domestic violence—even when the child is “merely” a witness to the violence? The question brings into conflict the principles of access by parents to children, on the one hand, and of the safety of children and victim parents on the other. The states find a variety of ways to strike a balance between these principles:

- Several have a presumption for joint custody.
- 29 provide a list of factors for the court to weigh in determining custody and visitation, usually not prioritized. Frequently included among them are the “friendly parent” factor and the domestic violence factor. How is the court to weigh these? The case usually presents as a child who does not want to be with an abuser out of fear and an abuser who blames the other parent for alienating the child. Is it safe for the abuser to have access to the child? How can the court make that determination?
- 16 states have answered this question by enacting a rebuttable presumption that it is contrary to the best interest of the child for an abuser to have joint or sole custody.

It is clear that:

**Safety must
trump access as
the focus of the
Court's concern**

For this reason, the NCJFCJ has adopted the rebuttable presumption and visitation model statutes which are the basis of Arizona Senate Bill 1284.

Model Code on Domestic and Family Violence

- **Funded by Conrad N. Hilton Foundation**
- **Multidisciplinary National Advisory Committee**
- **Series of meeting over 2-year period**
- **Approved by NCJFCJ Board of Trustees, January 1994**

Model Code §§ 401-405 and Senate Bill 1284

- Place the safety of the child and the victim first
- Acknowledge the power and control aspects of domestic violence by allowing the victim and child to relocate
- Acknowledge that, at least as a starting point, an abusive partner cannot be a good parent
- Provide a menu of tools the court can use to fashion a visitation scheme as restricted or as open as the safety needs of a particular victim and children require

Thus this statutory scheme acknowledges all of the things we now know to be true about domestic violence and the needs of children and their non-abusing parents.

"...the overwhelming majority of women who report abuse are telling the truth, and an even greater number *do not report the abuse*. National surveys in the U.S. and Canada confirm the fact that most abused women do not disclose victimization, even when reporting such information may be of vital importance to them. For example, a woman involved in a child custody dispute will frequently conceal her history of abuse out of fear that if this issue is raised her ex-partner will deny it and/or falsely accuse her of behavior that would influence the court in his favor. What many women do not realize is that a history of battering, especially if it can be substantiated, may be a central consideration in the judge's decision. In such cases, of course, it is important to sort through varying accounts to ensure that no one is falsely accused of violent behavior. Nevertheless, studies continue to confirm that under-reporting of violence is a much more significant problem than false accusations."

Peter Jaffe ET.AL,

Working Together to End Domestic Violence, pp 27-28, 1996

There are those who argue that the statutory presumption and safety based visitation scheme raise the stakes too high and encourage parents to make false allegations for strategic litigational advantage. Counterpoints:

- Jaffe's findings

- The foregoing information about domestic violence and its impact on family members

- This argument collapses into 1step what must be a 2-step analysis:

- a) the cause of action;

- b) proof issues

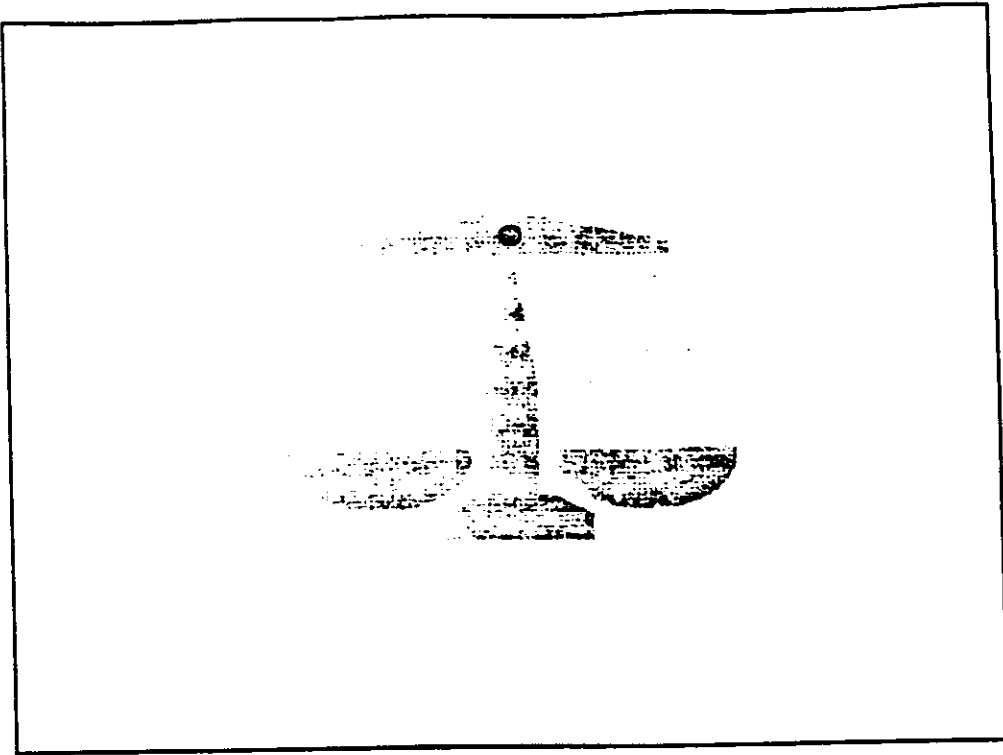
- Rather than focus on point a), we should focus on b) with:

- training for all players in the system

- sanctions for those who misuse or abuse the law.

- We do that all the time in other areas of the law.

- So because of all we know about how domestic violence works and its impact on the children who live with it in their homes, the NCJFCJ believes a statutory presumption against a custodial role for batterers, and the other provisions of Sections 401-405 of its Model Code, are appropriate and necessary to safeguard victims of abuse and their children.



Thank you.

ROUGH DRAFT 2
PROPOSED DOMESTIC VIOLENCE
CUSTODY LEGISLATION

25-403. Custody; best interests of child; joint custody; modification of decree; fees; children and family services

A. The court shall determine custody, either originally or upon petition for modification, in accordance with the best interests of the child. The court shall consider all relevant factors, including:

1. The wishes of the child's parent or parents as to custody.
2. The wishes of the child as to the custodian.
3. The interaction and interrelationship of the child with the child's parent or parents, the child's siblings and any other person who may significantly affect the child's best interest.
4. The child's adjustment to home, school and community.
5. The mental and physical health of all individuals involved.
6. Which parent is more likely to allow the child frequent and meaningful continuing contact with the other parent.
7. If one parent, both parents or neither parent has provided primary care of the child.
8. The nature and extent of coercion or duress used by a parent in obtaining an agreement regarding custody.
9. Whether a parent has complied with chapter 3, article 5 of this title.

B. The court shall consider evidence of domestic violence as being contrary to the best interests of the child. ~~if the court finds that domestic violence has occurred, the court shall make arrangements for visitation that best protect the child and the abused spouse from further harm. The person who has committed an act of domestic violence has the burden of proving that visitation will not endanger the child or significantly impair the child's emotional development.~~ THE COURT SHALL CONSIDER THE SAFETY AND WELL-BEING OF THE CHILD AND OF THE VICTIM OF THE ACT OF DOMESTIC VIOLENCE TO BE OF PRIMARY IMPORTANCE. THE COURT SHALL CONSIDER A PERPETRATOR'S HISTORY OF CAUSING OR THREATENING TO CAUSE PHYSICAL HARM TO ANOTHER PERSON.

C. IF THE COURT FINDS THAT DOMESTIC VIOLENCE HAS OCCURRED, THE COURT SHALL MAKE ARRANGEMENTS FOR VISITATION THAT BEST PROTECT THE CHILD AND THE ABUSED SPOUSE FROM FURTHER HARM. THE PERSON WHO HAS COMMITTED AN ACT OF DOMESTIC VIOLENCE HAS THE BURDEN OF PROVING THAT VISITATION WILL NOT ENDANGER THE CHILD OR SIGNIFICANTLY IMPAIR THE CHILD'S EMOTIONAL DEVELOPMENT. IN A VISITATION ORDER MADE PURSUANT TO THIS SECTION A COURT MAY:

1. ORDER THAT AN EXCHANGE OF THE CHILD SHALL OCCUR ONLY IN A PROTECTED SETTING AS SPECIFIED BY THE COURT.

2. ORDER THAT A PERSON OR AGENCY SPECIFIED BY THE COURT SHALL SUPERVISE VISITATION. IF THE COURT ALLOWS A FAMILY OR HOUSEHOLD MEMBER TO SUPERVISE VISITATION, THE COURT SHALL ESTABLISH CONDITIONS THAT THIS PERSON SHALL FOLLOW DURING VISITATION.

3. ORDER AS A CONDITION OF VISITATION THAT THE PARENT WHO COMMITTED THE ACT OF DOMESTIC VIOLENCE SHALL ATTEND AND COMPLETE, TO THE COURTS SATISFACTION, A PROGRAM OF INTERVENTION FOR PERPETRATORS OF DOMESTIC VIOLENCE AND ANY OTHER COUNSELING THE COURT ORDERS.

4. ORDER THAT THE PARENT WHO COMMITTED THE ACT OF DOMESTIC VIOLENCE SHALL ABSTAIN FROM POSSESSION OR CONSUMPTION OF ALCOHOL OR CONTROLLED SUBSTANCES DURING VISITATION AND FOR TWENTY-FOUR HOURS BEFORE VISITATION.

5. ORDER THAT THE PARENT WHO COMMITTED THE ACT OF DOMESTIC VIOLENCE SHALL PAY A FEE TO DEFRAY THE COSTS OF SUPERVISED VISITATION.

6. PROHIBIT OVERNIGHT VISITATION.

7. REQUIRE A BOND FROM THE PARENT WHO COMMITTED THE ACT OF DOMESTIC VIOLENCE FOR THE RETURN AND SAFETY OF THE CHILD.

8. IMPOSE ANY OTHER CONDITION THAT THE COURT DETERMINES IS NECESSARY TO PROTECT THE CHILD, THE VICTIM OF DOMESTIC VIOLENCE OR ANY OTHER FAMILY OR HOUSEHOLD MEMBER.

9. ORDER THAT THE ADDRESS OF THE CHILD AND THE VICTIM REMAIN CONFIDENTIAL.

~~C. If the court determines that a parent or a person seeking custody has been convicted of any drug offense under title 13, chapter 34 or any violation of section 28-1381, 28-1382 or 28-1383 within twelve months before the petition or the request for custody, there is a rebuttable presumption that sole or joint custody of the child by that person is contrary to the best interests of the child. In making this determination the court shall state its:~~

~~1. Findings of fact that support its determination that the person was convicted of the offense.~~

~~2. Findings that the custody or visitation arrangement ordered by the court appropriately protects the child.~~

~~D. To determine if the person has rebutted the presumption established under subsection C of this section, at a minimum the court shall consider the following evidence:~~

~~1. The absence of any conviction of any other drug offense during the previous five years.~~

~~2. Results of random drug testing for a six month period that indicate that the person is not using drugs as proscribed by title 13, chapter 34.~~

~~E~~D. In awarding child custody, the court may order sole custody or joint custody. This section does not create a presumption in favor of one custody arrangement over another. The court in determining custody shall not prefer a parent as custodian because of that parent's sex.

F E. The court may issue an order for joint custody of a child if both parents agree and submit a written parenting plan and the court finds such an order is in the best interests of the child. The court may order joint legal custody without ordering joint physical custody.

G F. The court may issue an order for joint custody over the objection of one of the parents if the court makes specific written findings of why the order is in the child's best interests. In determining whether joint custody is in the child's best interests, the court shall consider the factors prescribed in subsection A of this section and all of the following:

1. The agreement or lack of an agreement by the parents regarding joint custody.

2. A parent's lack of agreement is unreasonable or is influenced by an issue not related to the best interests of the child.

3. The past, present and future abilities of the parents to cooperate in decision-making about the child to the extent required by the order of joint custody.

4. Whether the joint custody arrangement is logistically possible.

H G. Joint custody shall not be awarded if the court makes a finding of the existence of significant domestic violence pursuant to section 13-3601 or if the court finds by a preponderance of the evidence that there has been a significant history of domestic violence. ~~In determining the existence of domestic violence, the court shall consider, subject to the rules of evidence, all relevant factors, including, but not limited to, the following:~~

- ~~1. Findings from another court of competent jurisdiction.~~

- ~~2. Police reports.~~

- ~~3. Medical records.~~

- ~~4. Child protective services records.~~

- ~~5. Domestic violence shelter records.~~

- ~~6. School records.~~

- ~~7. Witness testimony.~~

I H. Before an award is made granting joint custody, the parents shall submit a proposed parenting plan that includes at least the following:

1. Each parent's rights and responsibilities for the personal care of the child and for decisions in areas such as education, health care and religious training.

2. A schedule of the physical residence of the child, including holidays and school vacations.

3. A procedure by which proposed changes, disputes and alleged breaches may be mediated or resolved, which may include the use of conciliation services or private counseling.

4. A procedure for periodic review of the plan's terms by the parents.

5. A statement that the parties understand that joint custody does not necessarily mean equal parenting time.

¶ 1. If the parents are unable to agree on any element to be included in a parenting plan, the court shall determine that element. The court may determine other factors that are necessary to promote and protect the emotional and physical health of the child.

J. IF THE COURT DETERMINES THAT A PARTY SEEKING CUSTODY OF A CHILD HAS PERPETRATED DOMESTIC VIOLENCE AGAINST THE OTHER PARTY SEEKING CUSTODY OF THE CHILD OR AGAINST THE CHILD OR THE CHILD'S SIBLINGS, THERE IS A REBUTTABLE PRESUMPTION THAT AN AWARD OF SOLE OR JOINT PHYSICAL OR LEGAL CUSTODY OF A CHILD TO A PERSON WHO HAS PERPETRATED DOMESTIC VIOLENCE IS DETRIMENTAL TO THE BEST INTEREST OF THE CHILD. IN CASES IN WHICH BOTH PARENTS ARE PERPETRATORS OF DOMESTIC VIOLENCE, THIS PRESUMPTION SHALL NOT BE APPLICABLE. FOR PURPOSES OF THIS SUBSECTION, A PERSON HAS "PERPETRATED DOMESTIC VIOLENCE" WHEN HE OR SHE IS FOUND BY THE COURT TO HAVE:

1. INTENTIONALLY, KNOWINGLY OR RECKLESSLY CAUSED OR ATTEMPTED TO CAUSE SERIOUS PHYSICAL INJURY, OR SEXUAL ASSAULT,

2. PLACED A PERSON IN REASONABLE APPREHENSION OF IMMINENT SERIOUS PHYSICAL INJURY TO THAT PERSON OR TO ANOTHER, OR

3. ENGAGED IN A PATTERN OF BEHAVIOR FOR WHICH A COURT MAY ISSUE AN EX PARTE ORDER TO PROTECT THE OTHER PARTY SEEKING CUSTODY OF THE CHILD OR TO PROTECT THE CHILD AND THE CHILD'S SIBLINGS.

K. IN DETERMINING WHETHER THE PRESUMPTION SET FORTH IN SUBSECTION J OF THIS SECTION HAS BEEN OVERCOME, THE COURT SHALL CONSIDER ALL OF THE FOLLOWING FACTORS:

1. WHETHER THE PERPETRATOR OF DOMESTIC VIOLENCE HAS DEMONSTRATED THAT GIVING SOLE OR JOINT PHYSICAL OR LEGAL CUSTODY OF A CHILD TO THE PERPETRATOR IS IN THE BEST INTEREST OF THE CHILD.

2. WHETHER THE PERPETRATOR HAS SUCCESSFULLY COMPLETED A BATTERER'S TREATMENT PROGRAM.

3. WHETHER THE PERPETRATOR HAS SUCCESSFULLY COMPLETED A PROGRAM OF ALCOHOL OR DRUG ABUSE COUNSELING IF THE COURT DETERMINES THAT COUNSELING IS APPROPRIATE.

4. WHETHER THE PERPETRATOR HAS SUCCESSFULLY COMPLETED A PARENTING CLASS IF THE COURT DETERMINES THE CLASS TO BE APPROPRIATE.

5. IF THE PERPETRATOR IS ON PROBATION OR PAROLE, WHETHER HE OR SHE IS RESTRAINED BY A PROTECTIVE ORDER GRANTED AFTER A HEARING, AND WHETHER HE OR SHE HAS COMPLIED WITH ITS TERMS AND CONDITIONS.

6. WHETHER THE PERPETRATOR OF DOMESTIC VIOLENCE HAS COMMITTED ANY FURTHER ACTS OF DOMESTIC VIOLENCE.

L. THE COURT SHALL NOT ORDER JOINT COUNSELLING BETWEEN A VICTIM AND THE PERPETRATOR OF DOMESTIC VIOLENCE. THE COURT MAY REFER A VICTIM TO APPROPRIATE COUNSELLING AND SHALL PROVIDE VICTIMS WITH WRITTEN INFORMATION ABOUT AVAILABLE COMMUNITY RESOURCES RELATED TO DOMESTIC VIOLENCE.

M. IN DETERMINING WHETHER THE ABSENCE OR RELOCATION OF A PARENT SHALL BE WEIGHED AGAINST A PARENT IN DETERMINING CUSTODY OR VISITATION, THE COURT MAY CONSIDER WHETHER THE ABSENCE OR RELOCATION OF THE PARENT WAS CAUSED BY AN ACT OF DOMESTIC VIOLENCE BY THE OTHER PARENT.

N. IN DETERMINING THE EXISTENCE OF DOMESTIC VIOLENCE, THE COURT SHALL CONSIDER, SUBJECT TO THE RULES OF EVIDENCE, ALL RELEVANT FACTORS, INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

1. FINDINGS FROM ANOTHER COURT OF COMPETENT JURISDICTION.
2. POLICE REPORTS.
3. MEDICAL RECORDS.
4. CHILD PROTECTIVE SERVICES RECORDS.
5. DOMESTIC VIOLENCE SHELTER RECORDS.
6. SCHOOL RECORDS.
7. WITNESS TESTIMONY.

* O. Unless otherwise provided by court order or law, on reasonable request both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of the records or from the other parent. A person who does not comply with a reasonable request shall reimburse the requesting parent for court costs and attorney fees incurred by that parent to force compliance with this subsection. A parent who attempts to restrict the release of documents or information by the custodian under this subsection without a prior court order is subject to appropriate legal sanctions.

† P. The court may specify one parent as the primary caretaker of the child and one home as the primary home of the child for the purposes of defining eligibility for public assistance. This finding does not

diminish the rights of either parent and does not create a presumption for or against either parent in a proceeding for the modification of a custody order.

Q. IF THE COURT DETERMINES THAT A PARENT OR A PERSON SEEKING CUSTODY HAS BEEN CONVICTED OF ANY DRUG OFFENSE UNDER TITLE 13, CHAPTER 34 OR ANY VIOLATION OF SECTION 28-1381, 28-1382 OR 28-1383 WITHIN TWELVE MONTHS BEFORE THE PETITION OR THE REQUEST FOR CUSTODY, THERE IS A REBUTTABLE PRESUMPTION THAT SOLE OR JOINT CUSTODY OF THE CHILD BY THAT PERSON IS CONTRARY TO THE BEST INTERESTS OF THE CHILD. IN MAKING THIS DETERMINATION THE COURT SHALL STATE ITS:

1. FINDINGS OF FACT THAT SUPPORT ITS DETERMINATION THAT THE PERSON WAS CONVICTED OF THE OFFENSE.

2. FINDINGS THAT THE CUSTODY OR VISITATION ARRANGEMENT ORDERED BY THE COURT APPROPRIATELY PROTECTS THE CHILD.

R. TO DETERMINE IF THE PERSON HAS REBUTTED THE PRESUMPTION ESTABLISHED UNDER SUBSECTION Q OF THIS SECTION, AT A MINIMUM THE COURT SHALL CONSIDER THE FOLLOWING EVIDENCE:

1. THE ABSENCE OF ANY CONVICTION OF ANY OTHER DRUG OFFENSE DURING THE PREVIOUS FIVE YEARS.

2. RESULTS OF RANDOM DRUG TESTING FOR A SIX MONTH PERIOD THAT INDICATE THAT THE PERSON IS NOT USING DRUGS AS PROSCRIBED BY TITLE 13, CHAPTER 34.

M S. In a contested custody case, the court shall make specific findings on the record about all relevant factors and the reasons for which the decision is in the best interests of the child.

N T. No motion to modify a custody decree may be made earlier than one year after its date, unless the court permits it to be made on the basis of affidavits that there is reason to believe the child's present environment may seriously endanger the child's physical, mental, moral or emotional health. At any time after a joint custody order is entered, a parent may petition the court for modification of the order on the basis of evidence that domestic violence pursuant to section 13-1201 or 13-1204, spousal abuse or child abuse occurred since the entry of the joint custody order. Six months after a joint custody order is entered, a parent may petition the court for modification of the order based on the failure of the other parent to comply with the provisions of the order. A motion or petition to modify a custody order shall meet the requirements of sections 25-408 and 25-411.

O U. Attorney fees and costs shall be assessed against a party seeking modification if the court finds that the modification action is vexatious and constitutes harassment.

P V. In a proceeding regarding sole custody or joint custody, either party may request attorney fees, costs and expert witness fees to enable the party with insufficient resources to obtain adequate legal representation and to prepare evidence for the hearing. If the court

finds there is a financial disparity between the parties, the court may order payment of reasonable fees, expenses and costs to allow adequate preparation.

Ø W. For any custody order entered under this section, the court shall determine an amount of child support in accordance with section 25-320 and guidelines established pursuant to that section. An award of joint custody does not diminish the responsibility of either parent to provide for the support of the child.

Ø X. The court shall not request or order the services of the division of children and family services in the department of economic security unless it believes that a child may be the victim of child abuse or neglect as defined in section 8-201.

Report of the Subcommittee on Child Custody of the Domestic Violence Task Force

The Subcommittee focused on issues including statutory language to create a rebuttable presumption in custody cases against perpetrators of domestic violence and other provisions based on model legislation recommended by the National Council of Juvenile and Family Court Judges. One of the goals for the Child Custody subcommittee of this subcommittee was to look at that issue and attempt to work out legislative language on the issue that will have the broadest possible support.

This subcommittee also considered issues arising when a domestic violence victim takes flight to avoid further violence. One issue in that area is whether the fact that a person takes refuge to avoid domestic violence should be used by the court against that person in determining custody or visitation. Another part of that consideration will include a review of our criminal custodial interference statutes and the adequacy of the existing domestic violence defense language in that statute.

The subcommittee heard a presentation from the National Council on Juvenile and Family Court Judges (NCJFCJ) concerning Arizona's custody law and the NCJFCJ Model Act provisions related to child custody and domestic violence. A summary of that presentation is attached.

The subcommittee reviewed current Arizona law and worked out proposed language that could be integrated into the existing custody statute, A.R.S. § 25-403, that includes presumption provisions and other provisions based upon the Model Act. The presumption provision in the proposed legislation includes defining, limiting language as to when the presumption should be applied and how it may be rebutted, worked out by the subcommittee members, drawn in part from a similar California statute. A copy of a rough draft of the custody bill that includes the language and concepts approved by the subcommittee is attached.

It is the recommendation of the Subcommittee that the Task Force support this legislation.

The subcommittee reviewed and discussed the provisions of Arizona's criminal custodial interference law, A.R.S. § 13-1302. The subcommittee decided to refrain from making recommendation of any changes to the criminal statute at this time. The

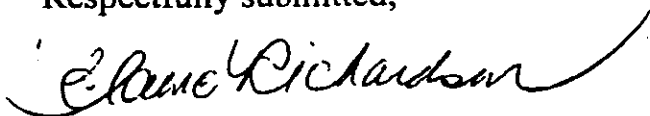
consensus was to pursue the changes to the custody statute contained in the proposed legislation, to provide stronger language and direction to the courts in making the custody orders that are sometimes enforced under the criminal statutes.

Finally, the subcommittee concluded that the position of victims of domestic violence in custody actions could be greatly enhanced by assistance with legal advocacy in preparing and presenting cases to the court. The subcommittee was provided information indicating that legal advocacy is the second greatest unmet need for domestic violence victims behind only shelter beds. In Maricopa County alone, it is estimated that in over 90 percent of all domestic relations cases, at least one party does not have an attorney and that in nearly two-thirds of cases neither side has an attorney.

A proposal developed by the State Bar of Arizona and the Coalition Against Domestic Violence would provide \$ 1 million in funding to ensure that a pilot project funded by the Department of Justice continues to provide lay legal advocacy combined with attorney representation to victims in multiple counties and that the Maricopa County Legal Advocacy Center be continued. Both projects are scheduled to have their federal funds expire in 2000.

The State Bar advocacy proposal was endorsed by the subcommittee and it is recommended that the full Task Force also endorse this proposal.

Respectfully submitted,



Senator Elaine Richardson
Subcommittee Chair

Attachments:

- 1. Summary of presentation made to subcommittee by the National Council on Juvenile and Family Court Judges (NCJFCJ) concerning Arizona's custody law and the NCJFCJ Model Act provisions related to child custody and domestic violence*
- 2. Rough draft of the custody bill that includes the language and concepts approved by the subcommittee*

**Subcommittee on Court Appointed Psychologists
Recommendations to the Select Task Force on Domestic Violence**

The following recommendations were adopted by the Subcommittee on Court Appointed Psychologists for the consideration and adoption by the full Task Force:

1. The Subcommittee on Court Appointed Psychologists adamantly opposes any legislation that would further decrease the accountability of court appointed psychologists.
2. The Subcommittee on Court Appointed Psychologists recommends that the process for appointing court appointed evaluators be changed. There is a perception of a lack of accountability in the relationship between judges and court appointed evaluators—thereby undermining public confidence in the impartiality of the courts. The Subcommittee encourages the courts to examine processes that will increase public confidence. The Subcommittee recommends that members of the legislature work with the courts in an advisory capacity on this matter. The Subcommittee recommends the court specifically consider the following: in selecting evaluators, the mental health provider's name appearing at the top of the roster shall be selected. Names on the roster shall be rotated after each selection. The Subcommittee further recommends that prior to selection, each party in a matter before the family courts may submit two names that either party finds unacceptable. If one of those unacceptable providers' names appears at the top of the roster, that provider's name will automatically be dropped to the bottom of the roster.
3. The Subcommittee on Court Appointed Psychologists recommends additional funding for legal advocacy services for domestic violence victims. This will provide for additional accountability in the courtroom. The amount of funding is to be determined at a future time.
4. The Subcommittee on Court Appointed Psychologists recommends that the courts be encouraged to develop mandatory domestic violence training for judges, court staff, court appointed evaluators, mediators and conciliation services staff. The Subcommittee encourages the courts to appoint a multi-disciplinary team, including legislators serving in an advisory capacity, to examine this issue.
5. The Subcommittee on Court Appointed Psychologists recommends additional funding for conciliation services to meet the need for services in the community, or to allow community or faith based organizations to be considered to assist the efforts traditionally filled by court personnel in this arena. The amount of funding is to be determined at a future time.

6. The Subcommittee on Court Appointed Psychologists recommends that the full Task Force recommend the concepts described in the R. C. Barden Truth and Responsibility in Mental Health Practices Act be proposed as model legislation in the upcoming legislative session.
7. The Subcommittee on Court Appointed Psychologists recommends that the courts be encouraged to appoint a multidisciplinary team, including legislators serving in an advisory capacity, to develop state-wide standard guidelines for court appointed evaluators, including disciplinary measures for not following those guidelines. The Subcommittee recommends that any evaluator who chooses to participate in family evaluations or any evaluation in domestic relations court, should follow statewide guidelines for conduct of court appointed evaluators. If guidelines are not followed accordingly, then they should no longer be allowed to participate on the court roster and should not have absolute immunity.
8. The Subcommittee on Court Appointed Psychologists recommends that the courts be encouraged to appoint a multidisciplinary team, including members of the legislature serving in an advisory capacity, to develop processes to increase public confidence in all evaluations, whether by private mental health experts or through conciliation services. The multidisciplinary team should additionally consider the issue of videotaping all evaluations.

THE TRUTH AND RESPONSIBILITY IN MENTAL HEALTH PRACTICES ACT
STATE VERSION I

HOUSE BILL NO.

88TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES

AN ACT
Relating to mental health treatment.

Be it enacted by the General Assembly of the state of _____ as follows:

Section 1. As used in sections 1 to 7 of this act, the following terms mean:

(1) "Informed consent," consent to mental health treatment based upon a full, fair and truthful disclosure of known and reasonably foreseeable benefits, risks and hazards of the proposed treatment and of alternative treatments. This process allows the patient, client or recipient of mental health treatments, or the legal guardian of such patient, client or recipient, to exercise a free and independent judgment by reasonably balancing the probable risks against the probable benefits;

(2) "Mental health care provider," a psychiatrist, psychologist, social worker, chemical dependency counselor, group therapy leader, licensed or certified professional counselor, psychiatric nurse or any other individual or organization that provides mental health services.

(3) "Research" and "reliable scientific research," publicly documented investigations of falsifiable hypotheses, using appropriately constructed treatment and nontreatment control groups, constructed so as to permit determinations of methodological reliability and validity, conducted at reputable institutions of higher learning, medical schools, research institutes and departments of psychology and reported in sufficient detail to be meaningfully interpreted and replicated at alternate research sites. Research will generally follow the criteria for acceptable scientific conceptions and evidence as noted by the United States Supreme Court in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 113 SCt 2786(1993).

Section 2. 1. Mental health patients and clients, as all consumers of medical and other health care services, have a legal and moral right to be fully and fairly informed of the risks and hazards and relative benefits of all proposed mental health treatments and of alternative treatments.

2. Mental health care providers shall truthfully inform all patients of the risks, hazards and relative benefits of all proposed mental health treatments and of alternative treatments.

Section 3. 1. All requests for reimbursement for mental health treatment shall be accompanied by an informed consent form which shall include at a minimum the following information:

- (1) A brief description of the proposed treatment plan;
- (2) Scientific journal citations demonstrating that the proposed treatment has been proven reasonably safe and effective by reliable and valid

scientific research studies including treatment outcome research comparing the proposed treatment to alternative treatments and control subjects;

(3) A brief and truthful listing of the known and reasonably foreseeable risks, hazards and relative benefits of the proposed treatment;

(4) A list of alternative treatments with a brief and truthful description of the benefits and risks of each;

(5) The signatures of the mental health care provider and the patient signifying mutual agreement to the proposed treatment plan.

2. Licensing boards governing the conduct of mental health care providers shall adopt and enforce rules of professional conduct mandating the informed consent contained in section 1 of this act.

Section 4.1. Every patient, client or recipient of mental health services in the state of Missouri shall receive a nontechnical explanation of the nature and purpose of the mental health treatment procedures, including all forms of psychotherapy, proposed to the patient, client or recipient of mental health services. This nontechnical informed consent explanation shall include at a minimum the following information:

(1) A brief description of the proposed treatment plan;

(2) A statement of whether or not the proposed research has been proven safe and effective by reliable and valid scientific methods, including a listing of scientific journal citations demonstrating that the proposed treatment has been proven safe and effective by reliable and valid scientific research studies including treatment outcome research comparing the proposed treatment to alternative treatments and control subjects;

(3) A brief and truthful discussion of the known and reasonably foreseeable risks, hazards and relative benefits of the proposed treatment;

(4) A brief and truthful discussion of alternative treatments and the known and reasonably foreseeable benefits and risks of each.

2. The informed consent discussion required by subsection 1 of this section shall be documented by the signatures of the mental health care provider and the patient, client or recipient of mental health services signifying mutual agreement to the proposed treatment plan.

3. Patients, clients or recipients of mental health services who are incompetent, by virtue of infancy, mental status or other legally valid reason, shall provide informed consent for mental health treatment through the written informed consent and signature of a legal guardian.

Section 5.1. State and private insurance programs regulated by the state shall not reimburse any mental health care provider for the provision of a treatment unless such treatment has been proven reasonably safe and effective by reliable and valid scientific means.

2. Mental health care providers have a legal and moral obligation to offer treatments and assessments, including all forms of psychotherapy or testing, to the public that have been demonstrated to be safe, valid and effective by reliable and valid scientific investigations.

3. To enforce this obligation and protect the citizens and families of the state of _____ from hazardous, ineffective or fraudulent forms of mental health practices, mental health care providers are required to truthfully inform insurance and reimbursement system of the reliable scientific evidence of safety and efficacy, if any, for all proposed mental health treatments and alternative treatments.

Section 6.1. Except for research purposes, psychological tests used by mental health care providers shall include a manual or other published information which fully describes the development of the test, the rationale for the test, the validity and reliability of the test, and normative data. A

reasonable discussion of the strengths and weaknesses of the method or procedure shall be offered to the consumer and the signed consent of the client shall be obtained prior to use of the method or procedure.

2. A mental health care provider who uses computerized testing services is responsible for the legitimacy and accuracy of the test interpretations. Computer generated interpretations of tests shall be used only in conjunction with professional judgment. A mental health care provider shall indicate when a test interpretation is not based on direct contact with the client, that is, when it is a blind interpretation. A reasonable discussion of the strengths and weaknesses of the method or procedure shall be offered to the consumer and the signed consent of the client shall be obtained prior to use of the method or procedure.

3. A mental health care provider shall be qualified to administer and interpret tests employed. A reasonable discussion of the strengths and weaknesses of the method or procedure shall be offered to the consumer and the signed consent of the client shall be obtained prior to use of the method or procedure.

4. A mental health care provider shall offer psychological tests for commercial publication only to those publishers who present tests in a professional manner and who distribute them only to qualified professional users. The mental health care provider shall ensure that test advertisements are factual and descriptive.

5. The provision of a written or oral report, including correspondence regarding clients or testimony of a mental health care provider as an expert witness, concerning the psychological or emotional health or state of a client, is a psychological service. The report shall include:

(1) A description of all assessments, evaluations, or other procedures upon which the mental health care provider's conclusions are based;

(2) Any reservations or qualifications concerning the validity or reliability of the conclusions formulated and recommendations made, taking into account the conditions under which the procedures were carried out, the limitations of scientific procedures and psychological descriptions, and the impossibility of absolute predictions;

(3) A notation concerning any discrepancy, disagreement, or conflicting information regarding the circumstances of the case that may have a bearing on the mental health care provider's conclusions; and

(4) A statement as to whether the conclusions are based on direct contact between the mental health care provider and the client.

Section 7. A violation of any of the provisions of sections 1 to 7 of this act shall constitute, at the discretion of the relevant licensing board, grounds for revocation or suspension of any mental health care provider's license or certification to practice in the state of _____. Each violation shall be reported to the public upon inquiry.

THE TRMHPAct STATE VERSION II

A BILL TO BE ENTITLED

AN ACT

relating to the requirement that certain mental health care providers disclose treatment information to patients, insurers, and state agencies that provide medical assistance; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____:

SECTION 1. SHORT TITLE. This Act may be cited as the Mental Health Care Providers Act.

SECTION 2. DEFINITIONS. In this Act:

(1) "Department" means the State of _____ Department of Mental Health and Mental Retardation and any departments of the State of _____ regulating health insurance in any form.

(2) "Insurer" includes an insurance company that reimburses a covered person for the cost of mental health treatment expenses, but does not include a health maintenance or preferred provider organization that provides benefits for mental health services.

(3) "Legally authorized representative" means:

(A) a parent or legal guardian if the patient is a minor, or a legal guardian if the patient has been adjudicated incompetent to manage the patient's personal affairs;

(B) an agent of the patient authorized under a durable power of attorney for health care; or

(C) an attorney ad litem appointed for the patient.

(4) "Mental health care provider" means a licensed or unlicensed individual who provides mental health services, including a:

(A) physician who is practicing medicine as defined by Section _____, Medical Practice Act (Article _____, State of _____ Civil Statutes);

(B) psychologist offering psychological services as defined by Section 2, Psychologists' Certification and Licensing Act (Article _____, State of _____ Civil Statutes);

(C) licensed professional counselor as defined by Section 2, Licensed Professional Counselor Act (Article _____, State of _____ Civil Statutes);

(D) licensed marriage and family therapist as defined by Section 2, Licensed Marriage and Family Therapist Act (Article _____, State of _____ Civil Statutes);

(E) licensed social worker as defined by Section _____; (Article _____, State of _____ Civil Statutes); and

(F) member of the clergy.

(5) "Mental Health Services" has the meaning assigned by Section 81.001, Civil Practice and Remedies Code, except if the services are provided by a member of the clergy, the term does not include religious, moral, or spiritual counseling, teaching, or instruction.

(6) "Patient" has the meaning assigned by Section _____, Civil Practice and Remedies Code.

(7) "Reimbursement system" includes an insurer, the state Medicaid program, or any similar medical assistance program.

(8) "Research" and "reliable scientific research" and "treatment outcome research" mean publicly documented investigations of

falsifiable hypotheses, using appropriately constructed treatment and nontreatment control groups, constructed so as to permit determination of methodology, reliability, and validity, conducted at reputable institutions of higher learning, medical schools, research institutes, and departments of psychology and reported in sufficient detail to be meaningfully interpreted and replicated at alternative research sites.

SECTION 3. INFORMED CONSENT FOR PATIENTS. (a) A mental health care provider shall truthfully inform a patient who is receiving mental health services of:

- (1) the specific condition to be treated;
- (2) the beneficial effects on that condition expected from the therapy or treatment;
- (3) the side effects and risks associated with the therapy or treatment;
- (4) at least two scientific, research journal citations that demonstrate that the proposed treatment has been proven reasonably safe and effective by reliable and valid scientific research studies, including treatment outcome research comparing the proposed treatment to alternative treatments and control subjects receiving no treatment; and
- (5) the generally accepted alternatives to the therapy or treatment, if any, and whether an alternative might be appropriate for the patient.

(b) The information required by Subsection (a) of this section must be:

- (1) disclosed to the patient or a legally authorized representative of the patient in writing; and
- (2) accompanied by an acknowledgement, signed by the patient or the patient's legally authorized representative and the mental health care provider, stating that:

(A) the patient or the patient's representative was informed in writing of the information prescribed by Subsection (a) of this section; and

(B) the patient or the patient's representative consents to the assessment and the proposed therapy or treatment.

(c) The department must adopt a form that complies with the requirements of this section.

SECTION 4. DISCLOSURE OF PATIENT'S CONSENT AND RELIABILITY OF TREATMENTS TO REIMBURSEMENT SYSTEMS. (a) A mental health care provider shall truthfully inform a reimbursement system that may be liable to reimburse the mental health care provider for mental health services of the reliable scientific evidence of safety and efficacy, if any, for the proposed services and any alternative treatment.

(b) A request for payment or approval for payment for mental health services, including a request for payment or approval for payment for psychotherapy or mental health testing or assessment, made to a reimbursement system must be accompanied by an informed consent form that includes all of the information prescribed by Sections 2 and 3 of this Act.

(c) The informed consent form must be signed by the mental health care provider and the patient or a legally authorized representative of the patient as prescribed by Sections 2 and 3 of this Act.

(d) The requirements of this section are satisfied by the submission of a copy of the informed consent form required by Sections 2 and 3 of this Act.

SECTION 5. USE AND DISCLOSURE OF TESTS AND ASSESSMENTS; REPORTS; EXPERT TESTIMONY. (a) Except when used for research purposes, a psychological test used by mental health care providers must include a manual or other published information that fully describes the development of the test, the rationale for the test, the validity and reliability of the test, and normative data. A reasonable discussion of the strengths and weaknesses of the method or procedure shall be offered to the patient or the patient's legally authorized representative and the signed consent of the patient or the patient's representative shall be obtained before the method or procedure is used.

(b) A mental health care provider who uses computerized testing services shall make a reasonable effort to ensure that the tests are interpreted accurately. A test interpretation by a computer may be used only with the mental health care provider's professional judgment. A mental health care provider shall indicate when a test interpretation is not formed from direct communication with a patient. A reasonable discussion of the strengths and weaknesses of the method or procedure shall be offered to the patient and the signed consent of the patient or the patient's legally authorized representative shall be obtained before the method or procedure is used.

(c) A mental health care provider may not administer or interpret a test described by Subsection (b) of this section if the provider is not qualified to do so.

(d) A mental health care provider may offer psychological tests for commercial publication only to a publisher who presents tests in a professional manner and who distributes the tests only to qualified professional users. A mental health care provider who offers psychological tests for commercial publication shall make a reasonable effort to ensure that the test advertisements are factual and descriptive.

(e) The provision of a written or oral report, including correspondence regarding patients or testimony of a mental health care provider as an expert witness, concerning the psychological or emotional health or state of a client is a psychological service. The report must include:

(1) a description of the assessments, evaluations, or other procedures from which the mental health care provider's conclusions are formed;

(2) A brief discussion of the validity or reliability of the conclusions formulated and recommendations made, including the conditions under which the procedures were carried out, the limitations of scientific procedures and psychological descriptions, and the impossibility of absolute predictions;

(3) a description of any discrepancy, disagreement, or conflicting information regarding the circumstances of the case that may affect the mental health care provider's conclusions; and

(4) a statement of whether the conclusions are formed from direct communication between the mental health care provider and the patient.

SECTION 6. PENALTY. A mental health care provider who fails to comply with this Act is:

(1) subject to disciplinary action by the agency that regulates the provider's practice; and

(2) liable for damages to the patient that result from the provider's failure to comply with this Act.

SECTION 7. RELATIONSHIP TO CONFIDENTIALITY. This Act does not waive or abrogate the scope or nature of any statutory or common law privilege regarding confidentiality.

SECTION 8. EFFECTIVE DATE. This Act takes effect September 1, 1995.

SECTION 9. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

THE SELECT TASK FORCE AGAINST DOMESTIC VIOLENCE

RECOMMENDATION OF THE FUNDING SUBCOMMITTEE

The subcommittee finds and recommends:

1. That the Legislature approves \$2M from the general fund in FY2000-2001 to the Department of Economic Security to provide funds to shelters for the purpose of shelter operations. Approximately 200 hundred additional and vitally needed beds are in different stages of construction and are being added to the current shelter system. Funding for the bricks and mortar became available through Federal, City and private sources, but many of the shelters are in financial crisis because the operational money was not included. The simple things like turning on the electricity, expanded staff and services that will be needed, including furniture are keeping the doors closed, and the new expanded facility empty. The demand for space is increasing, and now causing a serious emergency for funds.
2. That the Legislature approves a \$1M appropriation from the general fund in FY 2000-2001 to maintain current legal services, attorney representation, and lay legal advocacy program. This includes the ACADV legal hot line. The funds will support a much need array of services that will not be able to continue serving victims because of the loss of funding.
3. The subcommittee recommends that the Legislature approve the Supreme Court's supplemental budget request for \$204,000 from the general fund in FY 2000-2001. These monies will pay for additional probation officers to cover the projected caseload increase of domestic violence probationers from limited jurisdiction courts, and assist the piloting of the misdemeanor enhancement law passed last year.
4. The subcommittee recommends the creation of an Ad Hoc Task Force of START. START is an existing collaboration between State Agencies that fund domestic violence programs. The Ad Hoc Task Force would be formed for the purpose of creating a comprehensive state plan to combat domestic violence. The task force ad hoc committee shall include legislators; community based organization, ACADV and AZ SAN coalitions, and organizations providing crime victim services, law enforcement agencies and prosecutors. All concerned citizens and victims would be given an opportunity to present opinions. The task force shall provide a report to the Governor, the Speaker of the House, the President of the Senate and the chairman of the House and Senate Health and Judiciary committee by December 15, 2000. The report shall provide details of State goals, objectives and measurable outcomes, including systems, methods and programs that would best serve the victims of the State of Arizona. The plan would compare current Arizona practices against National Models and make recommendations of improvement or the adoptions of new strategies.
5. We recommend that the task force be adequately funded to fully accomplish this task. The START Agencies would hire an independent consultant to assist with this evaluation and strategic planning. Funding would also cover administrative costs. The host START team will seek and explore other means of funding of this task force before the use of the general fund appropriation of \$75,000.

Recommendations of the Funding Subcommittee of the Select Task Force Against Domestic Violence

The subcommittee finds and recommends:

Create a long-term comprehensive state plan to combat domestic violence

1. Programs to prevent domestic violence, to rehabilitate offenders and to assist victims of domestic violence need to be adequately funded. Historically, domestic violence programs have not received adequate funding.
2. Combating domestic violence involves the complex cooperation of state programs and private organizations. They all receive in some form funding from the federal government, state appropriation, grants and private donations. Providing piecemeal funding is only a temporary solution to the political, social and economic problem of domestic violence.
3. Therefore, the subcommittee recommends the creation of an Ad Hoc Violence Against Women State Plan Task Force. The purpose of this task force is to create a long-term comprehensive state plan to combat domestic violence. The task force will review state and private programs relating to prevention and education, victim services, criminal justice response and legal advocacy. The task force will be hosted by the START team members. The task force shall include Legislators, community-based organizations, domestic violence coalitions and organizations providing crime victim services. The task force shall provide a report to the Governor, the Speaker of the House, the President of the Senate and the chairmen of the House and Senate Health and Judiciary committee by December 15, 2000. The report shall provide recommendations to more effectively use existing resources and programs, identify specific funding sources and provide specific funding amounts for the recommended programs.

Fund the Task Force

The subcommittee recommends that the task force be adequately funded in order to fully review the domestic violence programs in Arizona. The task force shall hire an independent consultant to analyze Arizona's domestic violence programs. Funding would also cover administrative costs. The subcommittee recommends the host of the Task Force, the START team, look at federal grants or state appropriation as a possible funding source.

Fund Shelter Programs

The subcommittee recommends that the Legislature approve \$2M from the general fund in FY2000-2001 to the Department of Economic Security to provide funds to emergency shelters.

Maintain Legal Advocacy Programs

The subcommittee recommends the Legislature approve a \$1M appropriation from the general fund in FY2000-2001 to maintain existing legal advocacy programs.

Support Supreme Court's Request for more Probation Officers

The subcommittee recommends that the Legislature approve the Supreme Court's supplemental budget request for \$204,000 from the general fund in FY2000-2001. These monies will pay for additional probation officers to cover the projected caseload increase of domestic violence probationers from limited jurisdiction courts.

INTRODUCTION TO THE REPORT

The Arizona State Legislature, through budget reform legislation, established the process of Program Authorization Reviews (P.A.R.'s) to evaluate the effectiveness and efficiency of state government programs. The Final Report of the Joint Program Authorization Review Committee on Criminal Justice & Transportation, January 1998, required the submission of an action plan for:

- An annual report of government domestic violence expenditures, including victim assistance and compensation programs.
- The simplification of the Domestic Violence Funding.
- Improving the coordination between the state agencies that distribute domestic violence funding.

The information provided in this report account for the implementation of the aforementioned action plans. Governor Hull assigned the responsibility for the coordination and development of this report to the Office for Domestic Violence Prevention.

The Governor's Office for Domestic Violence Prevention was created to address the complex domestic violence system in Arizona. The focus of this office is to identify opportunities for cooperation and collaboration; assist in the coordination of domestic violence services by state agencies and other organizations; and to raise awareness about the impact of this issue.

In 1996, the Governor's Office and seven State Agency Directors, providing funding for domestic violence services and functions, created the Staff Technical Assistance Response Team (S.T.A.R.T.), to address the issue of coordination between agencies make recommendations for improvement of service. The Governor's Office for Domestic Violence Prevention is also charged with the facilitation of these representatives.

Domestic Violence Funding Administered By State Organizations SFY 1997 and 1998

	SFY 1997			
	State	Federal	Other	Total
Supreme Court/Administrative Office of the Courts	45,000	49,258	59,700	153,958
Criminal Justice Commission			190,400	190,400
Department of Commerce	100,000	1,090,750		1,190,750
Department of Economic Security	559,308	1,921,489	969,152	3,449,949
Department of Health Services	40,000	513,424		553,424
Department of Public Safety		967,433		967,433
Governor's Community Policy Office	500,000	963,234		1,463,234
Office of Attorney General				N/A
TOTAL	1,244,308	5,505,588	1,219,252	7,969,148

	SFY 1998			
	State	Federal	Other	Total
	57,032	0	0	57,032
	0	0	256,508	256,508
	20,719	460,054	702,000	1,182,773
	658,824	2,130,722	1,096,252	3,885,798
	30,000	490,597	0	520,597
	0	1,129,708	0	1,129,708
	489,976	1,954,118	0	2,444,094
	0	0	208,000	208,000
	1,256,551	6,165,199	2,262,760	9,684,510

Prepared by:
START
 Staff Technical Assistance
 Response Team

Domestic Violence Services/Functions Administered By State Organizations SFY 1998

	Capital Expenditures	Emergency Shelter	Transitional Shelter	Supportive Services	Prevention	Training	Victims Rights Services	Victim Compensation	Law Enforcement/Prosecutorial Services	Administration	Total
Supreme Court/Administrative Office of the Courts											
State					22,813	22,813				11,406	57,03
Federal											
Other											
TOTAL	0	0	0	0	22,813	22,813	0	0	0	11,406	57,03
Criminal Justice Commission											
State											
Federal											
Other		75,500		80,900				100,108			256,59
TOTAL	0	75,500	0	80,900	0	0	0	100,108	0	0	256,59
Department of Commerce											
State			13,219		7,500						20,71
Federal	350,000		110,054								460,05
Other	702,000										702,00
TOTAL	1,052,000	0	123,273	0	7,500	0	0	0	0	0	1,182,77
Department of Economic Security											
State		496,159	47,990	13,533	69,616					31,526	658,82
Federal		1,824,175		125,784	20,500					160,263	2,130,72
Other		1,096,252									1,096,25
TOTAL	0	3,416,586	47,990	139,317	90,116	0	0	0	0	191,789	3,885,79
Department of Health Services											
State						30,000					30,00
Federal				203,424	63,000	196,173				28,000	490,59
Other											
TOTAL	0	0	0	203,424	63,000	226,173	0	0	0	28,000	520,59
Department of Public Safety											
State											
Federal	6,213	5,141		1,086,008		14,569				17,777	1,129,70
Other											
TOTAL	6,213	5,141	0	1,086,008	0	14,569	0	0	0	17,777	1,129,70
Governor's Community Policy Office											
State		5,666		239,600	181,165	18,385				45,160	489,97
Federal		174,575		574,195	195,208	512,217			385,923	112,000	1,954,11
Other											
TOTAL	0	180,241	0	813,795	376,373	530,602	0	0	385,923	157,160	2,444,09
Office of Attorney General											
State											
Federal											
Other							208,000				208,00
TOTAL	0	0	0	0	0	0	208,000	0	0	0	208,00
TOTAL of SERVICES	\$551,058,213	\$520,677,468	\$551,171,263	\$821,323,444	\$22,559,802	\$33,794,157	\$208,000	\$45,100,108	\$385,923	\$406,132	\$3,968,511

CONCLUSION

Arizona faces an enormous challenge in addressing the multifaceted issue of domestic violence. It is clear when law enforcement agencies indicate that every 40 minutes an Arizona child witnesses a domestic violence incident that we have far more to do. Although there is no "quick fix," we must accept the challenge to help make families safe. In this effort, it is critically important we coordinate our work to formulate substantive systems change at the community level to serve the needs of an increasingly aware population.

We have been successful in increasing the total funding allocation in state fiscal year 1998 by 18%, to \$9,684,510, with the majority of these funds supporting victim service programs. This includes emergency and transitional shelter operation costs, as well as support services, and direct victim compensation. Total allocations are:

Victim Services:	76%	\$7,330,496
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Note: 11% of this expenditure is targeted toward the development or expansion of shelter facilities

The remaining allocation encompasses less than 24% to provide training, specialized criminal justice services, prevention activities, evaluation and administration:

- | | |
|---|----|
| • Training: | 8% |
| • Law Enforcement/Prosecution/
Victim Rights Services: | 6% |
| • Prevention: | 6% |
| • Administration | 4% |

Substantive change will only be accomplished by providing facts. As our information expands and data clarifying the damage domestic violence inflicts on our communities is obtained, a clear direction will emerge. In the meantime, it is critical that we maintain our focus and our intensity. Seeking innovative solutions will enhance our collective efforts throughout this process.

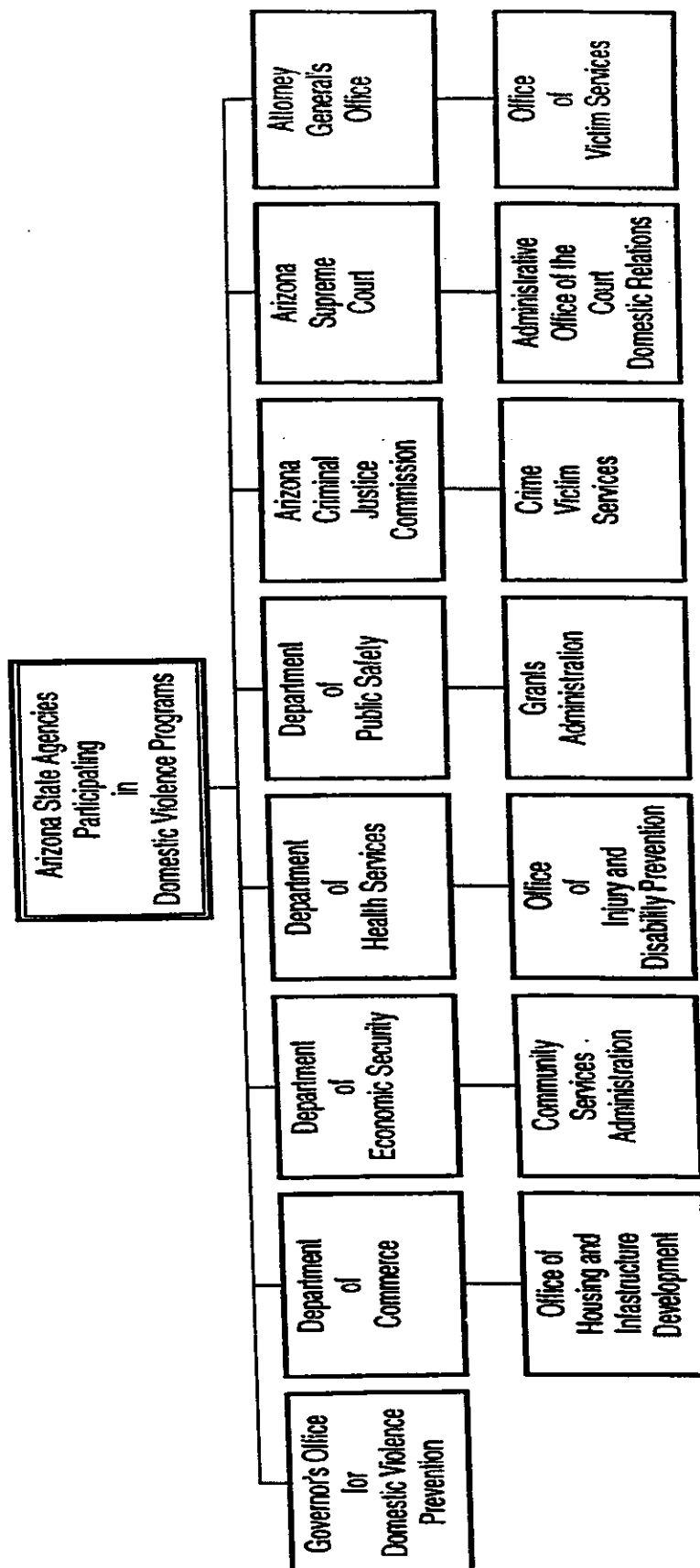
The efforts of START have altered our approach to impacting domestic violence in our state and modified the way we address solutions. By sharing information on our financial allocations to programs and collecting evidence of services within communities the response has been enhanced. This understanding focused our attention to areas void of any services and identified communities in which gaps exist. To address these gaps in service, START is seeking opportunities to work together and leverage state funds. The following are examples of the ongoing work of this committee:

- State agencies are exploring ways to partner in the development of new programs for under-served areas. A result of this concept has enabled the first victim service program to begin in La Paz County, an area previously void of domestic violence programs.
- Discussions have begun on the development of common definitions to be utilized in reporting data. The team has begun to analyze the types of data necessary by program type, i.e., emergency shelter, transitional shelter, prevention, training, etc. As verifiable data is collected and analyzed, informed decisions will result.
- An in-depth study comparing the prevalence of violence in communities versus the domestic violence services available is essential.

It is both exciting and rewarding to be part of this process.

Submitted by:

Governor's Office for Domestic Violence Prevention
Harriet "Hank" Barnes, Director



Hearing Room No. 1
Date: 12/10/64
Time: 1:30

MEETING OF COMMITTEE ON

Select Task Force on Domestic Violence

[illegible]

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Thursday, December 9, 1999

Time: 12:00 P.M.

Place: Senate Hearing Room 1

AGENDA

1. Call to Order
2. Reports from Subcommittees:
 - Child Custody
 - Court Appointed Psychologists
 - Court Process
 - Enforcement and Review
 - Funding
3. Vote on Subcommittee Recommendations
4. Public Testimony
5. Adjourn

Members:

Senator Elaine Richardson, Co-Chair
Senator Darden Hamilton, Co-Chair
Senator Keith Bee
Senator Jack Jackson
Senator David Petersen
Sgt. Robert Barton
Bahney Dedolph
Betty Ryan
Russell Smoldon

Representative Laura Knaparek, Co-Chair
Representative Kathleen Dunbar
Representative Sally Ann Gonzales
Representative Rebecca Rios
Representative Roberta Voss
Ed Cook
Lisa Kaiser
Beebee Joy
Charlie Thompson

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, by contacting the Senate Secretary's Office: (602)542-4231 (voice). Requests should be made as early as possible to allow time to arrange the accommodation.
BG/nld 11/30/99

Resonance

ARIZONA STATE LEGISLATURE

MEETING NOTICE

Open to the Public

**SUBCOMMITTEE ON CHILD CUSTODY OF THE
SELECT TASK FORCE ON DOMESTIC VIOLENCE**

Date: Thursday, November 18, 1999

Time: 1:00 p.m.

Place: State Senate, Minority Caucus Room
1700 W. Washington
Phoenix, AZ 85007

Agenda

- **Presentation from the National Council of Juvenile and Family Court Judges on Provisions of the Model Code on Domestic and Family Violence related to child custody issues**
- **Discussion of draft legislation by subcommittee members:**
 - **On which provisions is there agreement?**
 - **On which provisions is there disagreement?**
 - **On which provisions are there questions?**
 - **What changes can be made to improve the bill and gain support?**
- **Public Comment**
- **Date for next subcommittee meeting**

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ARIZONA STATE LEGISLATURE

MEETING NOTICE

Open to the Public

**SUBCOMMITTEE ON CHILD CUSTODY OF THE
SELECT TASK FORCE ON DOMESTIC VIOLENCE**

Date: Monday, November 29, 1999

Time: 1:00 p.m.

Place: State Senate, Minority Caucus Room
1700 W. Washington
Phoenix, AZ 85007

Agenda

- **Consideration of draft legislation by subcommittee members**
- **Review and Discussion Arizona's Criminal Custodial Interference Law, §ARS 13-1302**
- **Public Comment**

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ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SUBCOMMITTEE ON SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Monday, October 18, 1999
Time: 3:00 p.m.
Place: Senate Minority Caucus Room
Re: Court Appointed Psychologists

AGENDA

1. Call to Order
2. Problem Statement – Chairman
3. General Discussion
4. Adjourn



Darden C. Hamilton, Chair

Members:

Senator Darden Hamilton, Chair
Senator David Petersen
Ms. Lisa Kaiser, NVRC
Pastor Bea Joi, ASU Campus Ministry

Representative Laura Knaperek
Mr. Ed Cook, AZ Prosecutor's Office
Ms. Bahney Dedolph, AZ Coalition
Mr. Russell Smolden, SRP

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Research

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SUBCOMMITTEE ON SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Monday, November 1, 1999
Time: 3:00 p.m.
Place: Senate Appropriations Room 109
Re: Court Appointed Psychologists

AGENDA

1. Call to Order
2. Presentation by Douglas J. Wolf, Esq., Executive Counsel for MASA
3. Public Testimony
4. General Discussion
5. Adjourn

Members:

Senator Darden Hamilton, Chair
Senator David Petersen
Ms. Lisa Kaiser, NVRC
Pastor Bee Joy, ASU Campus Ministry

Representative Laura Knaperek
Mr. Ed Cook, AZ Prosecutor's Office
Ms. Bahney Dedolph, AZ Coalition
Mr. Russell Smolden, SRP

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Research

ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE OPEN TO THE PUBLIC

SUBCOMMITTEE ON SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Monday, November 15, 1999 -
Time: 3:00 p.m.
Place: Senate Appropriations Room 109
Re: Court Appointed Psychologists

AGENDA

1. Call to Order
2. Opening Remarks
3. Public Testimony
4. General Discussion
5. Adjourn

Members:

Senator Darden Hamilton, Chair
Senator David Petersen
Ms. Lisa Kaiser, NVRC
Pastor Bee Joy, ASU Campus Ministry

Representative Laura Knaperek
Mr. Ed Cook, AZ Prosecutor's Office
Ms. Bahney Dedolph, AZ Coalition
Mr. Russell Smolden, SRP

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ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE **OPEN TO THE PUBLIC**

SUBCOMMITTEE ON SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Monday, November 29, 1999
Time: 3:00 p.m.
Place: Senate Appropriations Room 109
Court Appointed Psychologists

AGENDA

1. Call to Order
2. Opening Remarks
3. Public Testimony
4. General Discussion
5. Adjourn

Members:

Senator Darden Hamilton, Chair
Senator David Petersen
Ms. Lisa Kaiser, NVRC
Pastor Bee Joy, ASU Campus Ministry

Representative Laura Knaperek
Mr. Ed Cook, AZ Prosecutor's Office
Ms. Bahney Dedolph, AZ Coalition
Mr. Russell Smolden, SRP

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ARIZONA STATE LEGISLATURE

INTERIM MEETING NOTICE **OPEN TO THE PUBLIC**

SUBCOMMITTEE ON SELECT TASK FORCE ON DOMESTIC VIOLENCE

Date: Monday, December 6, 1999
Time: 3:00 p.m.
Place: Senate Hearing Room 3
Re: Court Appointed Psychologists

AGENDA

1. Call to Order
2. Opening Remarks
3. Discussion and Voting on Recommendations for Full Committee
4. Adjourn

Members:

Senator Darden Hamilton, Chair
Senator David Petersen
Ms. Lisa Kaiser, NVRC
Pastor Bee Joy, ASU Campus Ministry

Representative Laura Knaperek
Mr. Ed Cook, AZ Prosecutor's Office
Ms. Bahney Dedolph, AZ Coalition
Mr. Russell Smolden, SRP

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ARIZONA STATE LEGISLATURE

Interim Meeting Notice

Open to the Public

SUBCOMMITTEE ON FUNDING OF THE SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: TUESDAY, OCTOBER 19, 1999


TIME: 4:00 p.m.

PLACE: HOUSE BASEMENT ROOM 038

- 1. Call to Order**
- 2. Opening Remarks**
- 3. Discussion on Funding**
- 4. Public Testimony**
- 5. Adjourn**

MEMBERS:

Representative Kathleen Dunbar, Co-Chair
Bahney Dedolph, Co-Chair
Lisa Kaiser

 vm
10/18/1999

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ARIZONA STATE LEGISLATURE

Interim Meeting Notice

Open to the Public

SUBCOMMITTEE ON FUNDING OF THE SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: THURSDAY, NOVEMBER 4, 1999


TIME: 1:30p.m.

PLACE: HOUSE BASEMENT ROOM 038

- 1. Call to Order**
- 2. Opening Remarks**
- 3. START Team Presentation**
- 4. Public Testimony**
- 5. Adjourn**

MEMBERS:

Representative Kathleen Dunbar, Co-Chair
Bahney Dedolph, Co-Chair
Lisa Kaiser

 ss
11/1/1999

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ARIZONA HOUSE OF REPRESENTATIVES

Interim Meeting Notice

Open to the Public

SUBCOMMITTEE ON FUNDING OF THE SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: THURSDAY, NOVEMBER 18, 1999


TIME: 9:00 a.m.

PLACE: HOUSE BASEMENT ROOM 049

1. Call to Order
2. Opening Remarks
3. Discussion on funding options for the Domestic Violence Shelter Fund (ARS 36-3002)
4. Public Testimony
5. Recommendations to present to the Select Task Force on Domestic Violence
6. Adjourn

MEMBERS:

Representative Kathleen Dunbar, Co-Chair
Bahney Dedolph, Co-Chair
Lisa Kaiser

 ss
11/15/1999

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ARIZONA HOUSE OF REPRESENTATIVES

Interim Meeting Notice

Open to the Public

SUBCOMMITTEE ON FUNDING OF THE SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: TUESDAY, DECEMBER 7, 1999


TIME: 11:00 a.m.

PLACE: HOUSE BASEMENT ROOM 049

1. Call to Order
2. Opening Remarks
3. Finalize Recommendations For the Presentation to the Select Task Force on Domestic Violence
4. Public Testimony
5. Adjourn

MEMBERS:

Representative Kathleen Dunbar, Co-Chair
Bahney Dedolph, Co-Chair
Lisa Kaiser

 ^{SS}
11/30/1999

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ARIZONA HOUSE OF REPRESENTATIVES

Interim Meeting Notice

Open to the Public

SELECT TASK FORCE ON DOMESTIC VIOLENCE SUBCOMMITTEE ON COURT PROCESS

DATE: Tuesday, November 2, 1999
TIME: 2:30 P.M.
PLACE: House Basement Conference Room 038
SUBJECT: Domestic Violence Subcommittee on Court Process

AGENDA

- I. Welcoming remarks from the Chairman.
- II. Introductions.
- III. Testimony.
- IV. Closing remarks.

MEMBERS:

Representative Laura Knaperek
Representative Sally Ann Gonzales
Bahney Dedolph, Az Coalition Against Domestic Violence
Russell Smoldon, Salt River Project
Darren LeSorte, Az Supreme Court
Judge Mark W. Armstrong, Superior Court
Christine Hamilton, Cavanaugh Law Firm
Mike Haener, Attorney General's Office

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11/1/1999

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ARIZONA HOUSE OF REPRESENTATIVES

Interim Meeting Notice

Open to the Public

SELECT TASK FORCE ON DOMESTIC VIOLENCE SUBCOMMITTEE ON COURT PROCESS

DATE: Tuesday, November 9, 1999

TIME: 3:00 P.M.

PLACE: Superior Court, Family Court Conference Room, 4th Floor
101 West Jefferson, East Court Building

SUBJECT: Domestic Violence Subcommittee on Court Process

AGENDA

- I. Call to Order.
- II. Review confidentiality statutes from Washington, Utah, New York.
- III. Testimony by Administrator of Courts regarding proposed domestic violence Legislation
- IV. Discussion on subcommittee's recommendations to the Select Task Force on Domestic Violence
- V. Closing remarks.

MEMBERS:

Representative Laura Knaperek
Representative Sally Ann Gonzales
Bahney Dedolph, Az Coalition Against Domestic Violence
Russell Smoldon, Salt River Project
Darren LeSorte, Az Supreme Court
Judge Mark W. Armstrong, Superior Court
Mike Haener, Attorney General's Office

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11/8/1999

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ARIZONA STATE LEGISLATURE

Interim Meeting Notice

Open to the Public

SUBCOMMITTEE ON ENFORCEMENT AND REVIEW SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: Thursday, October 21, 1999
TIME: 10:00 a.m. – 12:00 p.m.
PLACE: Room 038 – House of Representatives Basement
SUBJECT: Enforcement and Review in Domestic Violence

AGENDA

1. Welcome and introductions
2. Issues to be addressed in the subcommittee
3. Discussion of resources available to the subcommittee
4. Public comments

Adjourn

MEMBERS:

Representative Roberta Voss, Chair
Betty Ryan DellaCorte, Co-Chair
Bahney Dedolph

Senator Keith Bee
Ed Cook
Sgt. Robert Barton

ADVISORY MEMBERS:

Judge Elizabeth Finn
Darren LaSorte
Lisa Gebhart

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10/19/1999

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ARIZONA STATE LEGISLATURE

Interim Meeting Notice

Open to the Public

SUBCOMMITTEE ON ENFORCEMENT AND REVIEW SELECT TASK FORCE ON DOMESTIC VIOLENCE

DATE: Thursday, November 4, 1999
TIME: 9:00 a.m. – 12:00 p.m.
PLACE: Room 038 – House of Representatives Basement
SUBJECT: Enforcement and Review on Domestic Violence

AGENDA

1. Welcome and Introductions
2. Presentations on Enforcement
 - Prosecution
 - Law Enforcement
 - Shifting of Responsibility Between Counties
 - Courts
 - Probation
 - Enhanced Penalties
 - Offender Treatment
 - Guidelines
 - Time
 - Program

Adjourn

MEMBERS:

Representative Roberta Voss, Chair
Betty Ryan DellaCorte, Co-Chair
Bahney Dedolph

Senator Keith Bee
Ed Cook
Sgt. Robert Barton

ADVISORY MEMBERS:

Judge Elizabeth Finn
Darren LaSorte
Lisa Gebhart
Jerry Landau
Ann Tarpy

John Pombier
Eric Edwards
Claudia Thomason
Pat Merhoff

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RLV:tar
11/1/1999

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